



## **Order under Section 69 Residential Tenancies Act, 2006**

**Citation:** Durham Regional Local Housing Corporation v Lepizzera, 2023 ONLTB 21583

**Date:** 2023-02-20

**File Number:** LTB-L-034592-22

**In the matter of:** 40, 1525 RITSON RD S  
OSHAWA ON L1J3M3

**Between:** Durham Regional Local Housing Corporation Landlord

**And**

Vanessa Lepizzera Tenant

Durham Regional Local Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Vanessa Lepizzera (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on February 1, 2023.

The Landlord attended the hearing represented by an employee, Lynn Alexander.

As of 11:36 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

### **Determinations:**

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$549.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$18.05. This amount is calculated as follows: \$549.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,246.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$3,476.00.

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7. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which was returned NSF.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$3,702.00, which represents the arrears of rent (\$3,476.00) and costs (\$186.00, plus \$40.00 for NSF charges) outstanding for the period ending January 31, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
  - (a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:
    1. Beginning on or before February 20, 2023, the Tenant shall pay the Landlord \$500.00;
    2. The Tenant shall continue to pay the Landlord \$500.00 per month on or before the last day of each month during the period of March 31, 2023, to August 31, 2023;
    3. The Tenant shall pay the Landlord \$202.00 on or before September 30, 2023;
  - (b) The Tenant shall pay the lawful monthly rent for February 2023 on or before March 3, 2023, if not already paid;
  - (c) The Tenant shall also pay the Landlord the lawful monthly rent as it becomes due on or before the 1<sup>st</sup> day of the month starting March 1, 2023 until the arrears are paid in full.

3. If the Tenant fails to make any of the payments in accordance with paragraph 2, and by the dates required, then:
- (a) The Landlord may apply, without notice to the Tenant, under section 78 of the *Residential Tenancies Act*, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.

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- (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Act.

**February 27, 2023**

**Date Issued**

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Emile Ramlochan

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto  
ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.