



Order under Section 69 Residential Tenancies Act, 2006

Citation: N.H.D. Developments Limited v Taylor, 2023 ONLTB 21343

Date: 2023-02-20

File Number: LTB-L-037271-22

In the matter of: 1705, 4001 STEELES AVE W
NORTH YORK ON M3N2T8

Between: N.H.D. Developments Limited Landlord

And

Michael Anthony Taylor Tenant

N.H.D. Developments Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Anthony Taylor (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 13, 2023.

The Landlord's representative, Cathy Corsetti attended the hearing.

The Tenant was not present at the hearing, however his spouse, Beverly Taylor, who also resides in the rental unit attended. She advised her husband could not attend because he had to work and she was there only to agree to the repayment terms negotiated with the Landlord. As she did not possess written authorization to represent the Tenant, she could not represent him at this hearing and I could not accept the consent.

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 rent arrears owing to February 28, 2023 are \$3018.00.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The Landlord had negotiated terms for a repayment plan that would preserve the tenancy and requested those terms be imposed.
6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to

grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. The terms will mirror those agreed to by the Landlord and Tenant prior to the hearing.

It is ordered that:

1. The Tenant shall pay to the Landlord \$3,204.00, which represents the arrears of rent (\$3,018.00), and costs (\$186.00) outstanding for the period ending February 28, 2023 upon the following terms:
 - On or before February 20, 2023 the minimum sum of \$400.00 (arrears).
 - On or before March 03, 2023 the minimum sum of \$400.00 (arrears).
 - On or before March 24, 2023 the minimum sum of \$400.00 (arrears).
 - On or before April 07, 2023 the minimum sum of \$400.00 (arrears).
 - On or before April 21, 2023 the minimum sum of \$400.00 (arrears).
 - On or before May 05, 2023 the minimum sum of \$400.00 (arrears).
 - On or before May 26, 2023 the minimum sum of \$400.00 (arrears).
 - On or before June 09, 2023 the minimum sum of \$404.00 (balance of arrears and costs).
2. Effective March 01, 2023 and continuing on or before the first day in each consecutive month that follows, the Tenant shall pay the Landlord the full amount of the lawful monthly rent until the debt is paid in full.
3. If the Tenant fails to make any of the payments in accordance with paragraph 1 or 2 of this order, then:
 - (a) The Landlord may apply 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.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

February 17, 2023

Date Issued

Troy Rossignol

Vice Chair, 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.

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