



## Order under Subsection 87(1) Residential Tenancies Act, 2006

**Citation:** L.i.U.N.A. Non-Profit Housing Corp. v Ishimwe, 2023 ONLTB 19577

**Date:** 2023-02-16

**File Number:** LTB-L-032128-22

**In the matter of:** 1008-248 Brittany Drive  
Ottawa, ON K1K 4R2

**Between:** L.i.U.N.A. Non-Profit Housing Corp. Landlord

**And**

Christa Ishimwe Tenant

L.i.U.N.A. Non-Profit Housing Corp. (the 'Landlord') applied for an order requiring Christa Ishimwe (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on January 30, 2023.

The Landlord's Legal Representative Trevor Jacquard attended on behalf of the Landlord. Aliciadeea Le Roc ('ALR') attended the hearing on behalf of the Tenant but was not properly retained.

As of 2:43 pm, 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. ALR appeared on the Tenant's behalf and sought an adjournment of the matter, as she had been retained by the Tenant on a previous L4 application filed by the Landlord and was unable to reach the Tenant prior to the hearing to seek instructions.
2. The Landlord's Legal Representative had forwarded his disclosure to ALR, as she had been retained by the Tenant on a previous matter. ALR testified that she had no knowledge of this application and was unable to reach the Tenant prior to the hearing.
3. Having reviewed the Board's records and Rule 21.8 of the Board's *Rules of Procedure*, the adjournment was denied as the Tenant was or ought to have known about the hearing, and ALR was never formally retained by the Tenant in order to deal with this matter.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The Tenant did not pay the total rent they were required to pay for the period from May 1, 2022 to January 31, 2023.
6. The lawful rent is \$1,250.00. It is due on the 1st day of each month.



7. The Tenant has paid \$2,937.00 to the Landlord after the application was filed.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

9. The Tenant shall pay to the Landlord \$186.00. This amount includes rent arrears owing up to January 31, 2023 and the cost of the application.
10. If the Tenant does not pay the Landlord the full amount owing on or before February 27, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 28, 2023 at 5.00% annually on the balance outstanding.

**February 16, 2023**

**Date Issued**

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**Jagger Benham**  
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.