



Order under Section 69 Residential Tenancies Act, 2006

Citation: Fincom Investments v D'Souza, 2023 ONLTB 19567

Date: 2023-02-15

File Number: LTB-L-031066-22

In the matter of: 202-1440 Bloor Street
Mississauga, ON L4X 1R5

Between: Fincom Investments Landlord

And

Anthony D'Souza Tenants
Gracie Lucas

Fincom Investments (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony D'Souza and Gracie Lucas (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord's Legal Representative Mark Ciobotaru attended the hearing.

As of 1:57 pm, the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,208.09. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$39.72. This amount is calculated as follows: \$1,208.09 x 12, divided by 365 days.
5. The Tenants have paid \$7,442.40 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$3,568.04.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. The Landlord's Legal Representative submitted that the Landlord and the Tenants had come to an agreement regarding a payment plan however the Tenants were unable to attend the hearing in order to confirm its details.
10. The Landlord's Legal Representative submitted that the Landlord and the Tenants agreed to a payment plan of \$200.00 a month, to be paid on or before the last day of the month, lasting until the arrears are paid in full.
11. Based on the evidence of the Landlord's Legal Representative, I am satisfied that the parties wish to maintain the tenancy on the basis of the agreed upon terms.
12. 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.

It is ordered that:

13. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
14. The Tenants shall pay to the Landlord \$3,568.04 for arrears of rent owing up to January 31, 2023.
15. The Tenants shall pay to the Landlord the amount set out in paragraph 14 in accordance with the following schedule:
 1. \$200.00 a month to be paid on or before the last day of each month, starting February 28, 2023, until June 30, 2024.
 2. \$168.04 to be paid on or before July 31, 2024.
16. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period starting March 1, 2023, until July 1, 2024, or until the arrears are paid in full, whichever date is earliest.
17. If the Tenants fails to comply with the conditions set out in paragraphs 16 and 17 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenants.

February 15, 2023

Date Issued

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.