



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

Citation: 10467146 Canada Inc. v Brazeau, 2023 ONLTB 19479

Date: 2023-02-15

File Number: LTB-L-032597-22

In the matter of: 218, 160 PRESTIGE CIR ORLEANS
ON K4A1K5

Between: 10467146 Canada Inc. Landlord

And

M. I. Joanne Brazeau Tenant

10467146 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict M. I. Joanne Brazeau (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 31, 2023.

Only the Landlord's Representative Celine Leger attended the hearing.

As of 9:33 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 \$1,750.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$57.53. This amount is calculated as follows: \$1,750.00 x 12, divided by 365 days.
5. The Tenant has paid \$15,265.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$0.00.

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.

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9. 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 pursuant to subsection 83(1)(a) of the Act as the Tenant has already paid off rent arrears and only the application filing fee is pending.

It is ordered that:

1. The Tenant shall pay the Landlord \$186.00 as costs against filing the application
2. If the Tenant does not pay the Landlord the full amount owing on or before February 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

February 15, 2023

Date Issued

Sheena Brar

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.

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