



Order under Section 69 Residential Tenancies Act, 2006

Citation: Edwards v Howard, 2023 ONLTB 19815

Date: 2023-02-14

File Number: LTB-L-034734-22

In the matter of: 18 TRAILRIDGE CRES
SCARBOROUGH ON M1E4C5

Between: Albert Morris and Margret Edwards Landlord

And

Diane Howard Tenant

Albert Morris and Margret Edwards (the 'Landlord') applied for an order to terminate the tenancy and evict Diane Howard (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's legal representative, Ferduse Bari, Albert Morris, and the Tenant attended the hearing.

Determinations:

1. The parties agree that the arrears and costs owing up to January 31, 2023 are \$11,976.00.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$2,350.00. It is due on the 1st day of each month.
5. 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.
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.

It is ordered that:

1. The Tenant shall pay to the Landlord \$11,976.00, which represents the arrears of rent and costs up to January 31, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that the Tenant pays the amount identified in paragraph one and the ongoing rent as follows:

Date of Payment/Charge	Payment	Charge	Balance	Nature of Payment/Charge
February 1, 2023		\$2,350.00	\$14,326.00	Rent Charge
February 10, 2023	\$1,000.00		\$13,326.00	\$186.00 Costs and \$814.00 Rent
February 17, 2023	\$1,000.00		\$12,326.00	Rent
February 24, 2023	\$1,000.00		\$11,326.00	\$536.00 Rent and \$464.00 Arrears
March 1, 2023		\$2,350.00	\$13,676.00	Rent Charge
March 3, 2023	\$1,000.00		\$12,676.00	Rent
March 10, 2023	\$1,000.00		\$11,676.00	Rent
March 17, 2023	\$1,000.00		\$10,676.00	\$350.00 Rent and \$650.00 Arrears
March 24, 2023	\$1,000.00		\$9,676.00	Arrears
March 31, 2023	\$1,000.00		\$8,676.00	Arrears
April 1, 2023		\$2,350.00	\$11,026.00	Rent Charge
April 7, 2023	\$1,000.00		\$10,026.00	Rent
April 14, 2023	\$1,000.00		\$9,026.00	Rent
April 21, 2023	\$1,000.00		\$8,026.00	\$350 Rent and \$650 Arrears
April 28, 2023	\$1,000.00		\$7026.00	Arrears
May 1, 2023		\$2,350.00	\$9,376.00	Rent Charge

May 5, 2023	\$1,000.00		\$8,376.00	Rent
May 12, 2023	\$1,000.00		\$7,376.00	Rent
May 19, 2023	\$1,000.00		\$6,376.00	\$350 Rent and \$650 Arrears
May 26, 2023	\$1,000.00		\$5,376.00	Arrears
June 1, 2023		\$2,350.00	\$7,726.00	Rent Charge
June 2, 2023	\$1,000.00		\$6,726.00	Rent Charge
June 9, 2023	\$1,000.00		\$5,726.00	Rent
June 16, 2023	\$1,000.00		\$4,726.00	Rent
June 23, 2023	\$1,000.00		\$3,726.00	\$350 Rent and \$650 Arrears
June 30, 2023	\$1,000.00		\$2,726.00	Arrears
July 1, 2023		\$2,350.00	\$5,076.00	Rent Charge
July 7, 2023	\$1,000.00		\$4,076.00	Rent
July 14, 2023	\$1,000.00		\$3,076.00	Rent
July 21, 2023	\$1,000.00		\$2,076.00	\$350 Rent and \$650 Arrears
July 28, 2023	\$1,000.00		\$1,076.00	Arrears
August 1, 2023		\$2,350.00	\$3,426.00	Rent Charge
August 4, 2023	\$1,000.00		\$2,426.00	Rent
August 11, 2023	\$1,000.00		\$1,426.00	Rent
August 18, 2023	\$1,000.00		\$426.00	\$350 Rent and \$650 Arrears
August 25, 2023	\$426.00		\$0.00	Arrears

3. If there is a rent increase during the course of the above-noted payment plan, the Tenant shall increase the amount of the payment due on August 25, 2023 to bring the balance owing to \$0.00.
4. If the Tenant fails to make any of the payments in accordance with paragraph two and three, and by the dates required, then
 - a) The Landlord may, without notice to the Tenant apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges not accounted for in this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraphs two and three of this order.
 - b) The outstanding balance owing under paragraph one 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 14, 2023
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

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