



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Durham Regional Local Housing Corp v Villeneuve, 2023 ONLTB 20858

**Date:** 2023-02-13

**File Number:** LTB-L-033112-22

**In the matter of:** 3, 368 LINDEN ST  
OSHAWA ON L1H6R5

**Between:** Durham Regional Local Housing Corp Landlord

**And**

Kayla Villeneuve Tenant

Durham Regional Local Housing Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Kayla Villeneuve (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 1, 2023 at 9:00 a.m.

Only the Landlord, represented by Lynne Alexander, Property Manager, attended the hearing.

As of 10:13 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 monthly rent is \$901.00. It is due on the 1st day of each month.
4. The Tenant has paid \$5,800.00 to the Landlord since the application was filed.
5. The rent arrears owing to February 28, 2023 are \$2,939.80.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.
8. Accordingly, the total amount the Tenant owes the Landlord is \$3,125.80

Section 83 considerations

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 subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
10. The Landlord's representative submitted that the Tenant has been trying, in an effort to reduce rental arrears, to pay \$500.00 twice a month. There is 1 teenage child in the household and the Landlord's representative is agreeable to an extended repayment agreement.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$3,125.80 for arrears of rent up to February 28, 2023 of \$2,939.80 and the application filing costs of \$186.00.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - a) The Tenant shall pay the Landlord the sum of **\$99.00 on or before the 25<sup>th</sup> day of each month commencing March 25, 2023 and for the following 30 months, from April 25, 2023 to September 25, 2025,** and
  - b) The Tenant shall pay the Landlord **on or before October 25, 2025 the sum of \$56.80** in full and final settlement of all rental arrears claimed in this application.
3. The **Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period March 1, 2023 to October 1, 2025,** or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach 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 that became owing after February 1, 2023.

**February 13, 2023**  
**Date Issued**

15 Grosvenor Street, Ground Floor  
 Toronto ON M7A 2G6

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 Peter Pavlovic  
 Member, Landlord and Tenant Board

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