

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

Citation: Medallion Corporation v Saxon, 2023 ONLTB 18825

Date: 2023-02-09

File Number: LTB-L-032949-22

In the matter of: 206, 1182 ADELAIDE ST N
LONDON ON N5Y2N5

Between: Medallion Corporation Landlord

And

Greer Saxon Tenant

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Greer Saxon (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 L. Groshok and the Tenant attended the hearing.

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 \$776.77. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$25.54. This amount is calculated as follows: \$776.77 x 12, divided by 365 days.
5. The Tenant has paid \$6,129.05 to the Landlord since the application was filed.
6. The parties agree that the rent arrears owing to January 31, 2023 are \$85.31.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief From Eviction

8. The Landlord and the Tenant requested that the Board grant a consent conditional termination order to pay the arrears of rent to the date of the hearing and costs, along with the inclusion of payment of rent for the month of February 2023.

9. As the rent arrears are determined to the date of the hearing of the matter, and February's rent had not fallen due at the date of the hearing the proposed consent order is denied. At the hearing date, a very small portion of rent arrears and the \$186.00 filing fee were owing and as the arrears were minor in amount, an order granting a termination of the tenancy is denied.
10. 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. I find the arrears are small, the Tenant has made substantial payments since the application was filed and has advised that she would require assistance from a community based funder to assist her in paying the amounts proposed in the consent order, due to her circumstances. I find that prejudice to the Landlord in granting relief from eviction is minimal based on the outstanding amount of arrears, with substantial prejudice to the Tenant to potentially lose her housing for arrears of rent in the amount of \$85.31.

It is ordered that:

1. The Tenant shall pay to the Landlord \$271.31 for arrears of rent to January 31, 2023 and the cost of 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 9, 2023
Date Issued

Nicola Mulima
Vice Chair, 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.