



Order under Section 69
Residential Tenancies Act, 2006

File Number: LTB-L-009345-22

In the matter of: 12603 Nassagaweya/Esquesing Townline Rd Acton
ON L7J2L7

Between: Manuel Pereira Landlord

And

Ghislain Gagne Tenants
Guylaine Tremblay

Manuel Pereira (the 'Landlord') applied for an order to terminate the tenancy and evict Ghislain Gagne and Guylaine Tremblay (the 'Tenants') because:

- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on January 5, 2023 and January 18, 2023.

The Landlord and the Tenant Guylaine Tremblay attended the hearing on January 5, 2023.

Only the Landlord attended the hearing on January 18, 2023

As of 2:15p.m., January 18, 2023, 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 Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each Monthly. The rent has been paid late 11 times in the past 22 months. There were also 9 partial payments during this period and some non-payments of rent which are not considered late payments.
2. The Tenant has commenced paying rent on time since November 2023. As a result, the Landlord consented to a conditional order as set out below.

3. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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4. 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 the Landlord the monthly rent due on or before the first day of the month for the period commencing March 1, 2023, until March 2025.
2. The Tenant is ordered to pay the February 2023 rent in full on or before February 19, 2023, if not already paid in full.
3. If the Tenant fails to make any of the payments in paragraph 4 and 5 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing for costs on or before February 19, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 20, 2023 at 5.00% annually on the balance outstanding.

February 8, 2023

Date Issued

Robert Patchett

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.