



Order under Section 69 Residential Tenancies Act, 2006

Citation: Bosoomal v Smith, 2023 ONLTB 20143

Date: 2023-02-07

File Number: LTB-L-024043-22

In the matter of: A, 809 Walter Street
Cambridge ON N3H4P5

Between: Bosoomal Landlord

And

Jenny Lynn Smith Tenant

Bosoomal (the 'Landlord') applied for an order to terminate the tenancy and evict Jenny Lynn Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023. The Landlord was represented at the hearing by Bahadar Soom. 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 \$1,546.22. It is due on the 1st day of each month.
4. The Tenant has paid \$6,000.00 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$11,075.86.
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 Tenant does dispute the amount of rent arrears. The issue before the Board is whether it is appropriate to grant relief from eviction pursuant to s.83 of the *Residential Tenancies Act, 2006* (the 'Act').
9. According to s. 83 of the Act when the Board hears an application for an order evicting a tenant, the Board must consider whether there are any circumstances that support granting relief from eviction.

10. The reason the Tenant fell into arrears because she was involved with a domestic dispute with her partner. That situation has resolved, and the Tenant is able to commit to paying \$453.78 a month toward the rent arrears.
11. I find that in that the quantum of the arrears is manageable, and the Tenant has presented herself here today to participate in the proceedings, that she is motivated to continue her tenancy and should be given the opportunity to do so.
12. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would not be unfair to grant relief from eviction subject to the condition(s) 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 \$11261.86 which represents the rent arrears outstanding, and costs, for the period ending January 31, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenants shall make the following payments to the Landlord in respect of monies owing under paragraph 1 of this order:

Date Payment Due	Amount of Payment
March 02, 2023	\$453.48 (costs and arrears)
April 02, 2023	\$453.48 (arrears)
May 02, 2023	\$453.48 (arrears)
June 02, 2023	\$453.48 (arrears)
July 02, 2023	\$453.48 (arrears)
August 02, 2023	\$453.48 (arrears)
September 02, 2023	\$453.48 (arrears)
October 02, 2023	\$453.48 (arrears)
November 02, 2023	\$453.48 (arrears)
December 02, 2023	\$453.48 (arrears)
January 02, 2024	\$453.48 (arrears)
February 02, 2024	\$453.48 (arrears)

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March 02, 2024	\$453.48 (arrears)
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October 02, 2024	\$453.48 (arrears)
November 02, 2024	\$453.48 (arrears)
December 02, 2024	\$453.48 (arrears)
January 02, 2025	\$453.48 (arrears)
February 02, 2025	\$453.48 (arrears)
March 02, 2025	\$378.44 (arrears)

- (b) If the Tenant has not done so already, the Tenant shall pay the lawful monthly for February 2023 on or before February 28, 2023.
- (c) Commencing on March 01, 2023, and continuing until the arrears are paid in full, the Tenant shall also pay the lawful monthly rent on or before the first day of every month.
3. 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 01, 2023.

February 07, 2023
Date Issued

Bryan Delorenzi
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.