



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

Citation: 30 GILDER DRIVE APTS v TYRELL, 2023 ONLTB 19379

Date: 2023-02-07

File Number: LTB-L-056504-22

In the matter of: 1212, 30 GILDER DRIVE
TORONTO ONTARIO M1K4P6

Between: 30 GILDER DRIVE APTS Landlord

And

Jamiel Shears and Tameka Tyrell Tenants

30 GILDER DRIVE APTS (the 'Landlord') applied for an order to terminate the tenancy and evict Jamiel Shears (JS) and Tameka Tyrell (TT) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 30, 2023.

The Landlord's legal representative, Samuel Korman and the Tenants 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).
2. As of the hearing date, the Tenants was still in possession of the rental unit.
3. The lawful rent is \$1,806.11. It is due on the 1st day of each month.
4. The Tenants paid \$1,569.00 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$14,928.04.

6. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenants which was returned NSF.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. There was no dispute that the Tenants owe the Landlord the total of \$15,149.04.

File Number: LTB-L-056504-22

9. The Tenant, TT testified that she had a medical condition and could not work for six months. She commenced part-time employment in June 2022. She has a monthly income that ranges from \$500 to \$600.00. She also receives a monthly child tax benefit of \$557.00. Tenant JS has a monthly income of about \$2,400.00.
10. The Tenants requested relief and indicated that they can pay the rent when due, commencing February 2023, and proposed a payment plan for the arrears starting on February 20, 2023.
11. The Landlord requested a standard order and submitted that the Tenants may not have the income to sustain this tenancy.
12. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, 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.
13. As I stated at the hearing, I will give the Tenants an opportunity to continue the tenancy by paying the arrears according to the payment plan they proposed.
14. I explained to the Tenants that they must pay the arrears in accordance with their payment plan. I also explained section 78 of the Act and the consequences if they failed to pay the arrears and the rent, in full and on time. I am satisfied that the Tenants understood the consequences of not complying with the order. I also instructed the Tenants to make sure they pay the February 2023 rent on or before February 1, 2023.

It is ordered that:

1. The Tenants shall pay the Landlord \$15,149.04, which represents the arrears of rent owing up to January 31, 2023 (\$14,928.04), an administrative charge for an NSF cheque (\$20.00), and the Landlord's application filing fee (\$201.00).

2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

On or before February 20, 2023, and on the 20th day of each month thereafter, the amount of \$1,000.00 towards the arrears to April 20, 2024; and \$149.04 on or before May 20, 2024.

3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period February 1, 2023 to May 1, 2024, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of

File Number: LTB-L-056504-22

the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after January 31, 2023.

**February 7, 2023 Date
Issued**

Debbie Mosaheb
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.