



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

Citation: DARBY HALL REALTY LTD. v Marrett, 2023 ONLTB 17823

Date: 2023-02-02

File Number: LTB-L-026819-22

In the matter of: 606, 3121 EGLINTON AVE E
SCARBOROUGH ON M1J2G5

Between: DARBY HALL REALTY LTD. Landlord

And

Andre Marrett Tenant

DARBY HALL REALTY LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Andre Marrett (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 16, 2023.

The Landlord's Agent Dora Campea and the Tenant attended the hearing.

The application is amended to correct the spelling of the Tenant's name.

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 \$1,518.00. It is due on the 1st day of each month.
4. At the hearing, the Landlord testified that the Tenant owed rent arrears in the amount of \$13,590.00, inclusive of the \$186.00 filing fee. The Tenant did not dispute that he owes arrears of rent.
5. At the hearing the Parties came to an agreement for the repayment of the rent arrears and the Landlord stated that they were no longer seeking a termination of the tenancy.

6. Having reviewed the calculations of arrears of rent owing to January 31, 2023, I find that there was an error in the Landlord's calculation and the total arrears owing to January 31, 2023 are \$11,886.00. With the inclusion of the \$186.00 filing fee, I find that the total amount owing to the Landlord to January 31, 2023 is \$12,072.00.

Order Page: 1 of 2

File Number: LTB-L-026819-22

7. 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 subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act, as the Parties have agreed to resolve this matter by way of a payment plan.
8. The terms of the repayment plan put forward to me by the Parties were reasonable and I have therefore applied those terms to the repayment of the outstanding arrears.

It is ordered that:

1. The Tenant shall pay to the Landlord \$12,072.00, which represents the amounts of rent (\$11,886.00) and costs (\$186.00) outstanding for the period ending January 31, 2023.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - On or before February 1, 2023: \$4,283.25 [remaining balance \$7,788.75]
 - On or before the 1st day of the month beginning March 1, 2023, and each and every month to June 1, 2025 (27 payments): \$283.25 [remaining balance \$141.00]
 - On or before July 1, 2025: \$141.00
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 July 1, 2025 inclusive, 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 January 31, 2023.

February 2, 2023

Date Issued

_____ Margo den Haan

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.

Order Page: 2 of 2