



## **Order under Section 69, 78 and 204 of the Residential Tenancies Act, 2006**

**Citation:** 1000002944 Ontario Inc. v Clarke, 2023 ONLTB 18306

**Date:** 2023-02-01

**File Number:** LTB-L-028895-22

**In the matter of:** 3, 86 BROCK ST E OSHAWA  
ON L1G1S1

**Between:** 1000002944 Ontario Inc. Landlord

**And**

Catherine Clarke Tenant

1000002944 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Catherine Clarke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord, represented by Silvat Syed, a licensed Paralegal 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 \$1,350.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$44.38. This amount is calculated as follows: \$1,350.00 x 12, divided by 365 days.
5. The Tenant has paid \$9,588.22 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$3,761.78.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

9. 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.

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2023 ONL TB 18306 (CanLII)

**It is ordered that:**

1. The Tenant shall pay to the Landlord the sum of \$3,947.78, for rental arrears of \$3,761.78 up to January 1, 2023 and the application filing fee of \$186.00
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - a) On or before February 1, 2023, and for the next 8 months, March 1, 2023, to October 1, 2023, the Tenant shall pay the Landlord the sum of \$400.00 in addition the rent.
  - b) On or before November 1, 2023, the Tenant shall pay the Landlord the sum of \$347.78 in full and final settlement of all rental arrears and cost claimed in this application
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 February 1, 2023, to November 1, 2023, 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 18, 2023.

**February 1, 2023**

**Date Issued**

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Peter Pavlovic

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 13, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.