



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

Citation: Victoria Park Community Homes v Francis, 2023 ONLTB 17795

Date: 2023-01-31

File Number: LTB-L-014763-22

In the matter of: 22, 125 QUEEN VICTORIA DR
HAMILTON ON L8W2C1

Between: Victoria Park Community Homes

Landlord

And

Ian Francis

Tenant

Victoria Park Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Ian Francis (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on January 24, 2023. Only the Landlord's legal representative Karolina Aguiar attended the hearing.

Determinations:

1. The Landlord's application is based on an N8 notice of termination served to the Tenant on March 11, 2022 with a termination date of May 31, 2022. The notice alleges that the Tenant has been persistently late in paying the rent.
2. The monthly rent is due on the first day of the month. The Tenant has paid the rent late each month from October 2021 through to January 2023.
3. Section 58 (1) of the *Residential Tenancies Act, 2006* (Act):

58 (1) A landlord may give a tenant notice of termination of their tenancy on any of the following grounds:

1. The tenant has persistently failed to pay rent on the date it becomes due and payable.
4. Based on the uncontested evidence before the Board, I am satisfied that the Tenant has been persistently late in paying their rent.

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Relief from eviction:

5. 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.
6. The Landlord is not seeking termination of tenancy, but rather a conditional order requiring the Tenant to preserve their tenancy by paying their rent on time.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
 - a) The Tenant shall pay the lawful monthly rent for February 2023 on or before February 15, 2023.
 - b) Commencing March 1, 2023 and continuing through to February 1, 2024, the Tenant shall pay the lawful monthly rent in full and on time and no later than the first day of each month.
2. If the Tenant fails to comply with the conditions set out in paragraph 1 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

January 31, 2023

Fabio Quattrociochi

Date Issued

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.

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