

**Order under Section 206
Residential Tenancies Act, 2006**

Citation: Zhang v Dann, 2023 ONLTB 17112

Date: 2023-01-30

File Number: LTB-L-070908-22

In the matter of: 73 FISHLEIGH DR
SCARBOROUGH ON M1N1H3

Between: Hengbin Zhang and Phoebe Peihong Wang

Landlords

And

Sarah Jean Dann

Tenant

Hengbin Zhang and Phoebe Peihong Wang (the 'Landlords') applied for an order to terminate the tenancy and evict Sarah Jean Dann (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlords and the Tenant filed a written agreement with the LTB on December 9, 2022 to resolve the Landlord's application.

Determinations:

1. The agreement reached by the Landlords and the Tenant resolves the Landlords' application.
2. The agreement has been signed by the Landlords and the Tenant.
3. The agreement was filed with the LTB before the hearing for the Landlords' application.
4. As a result of this order, no hearing will be held.

Based on the parties' agreement, it is ordered that:

1. The Tenant shall pay the Landlords \$35,000.00, which includes:
 - o \$35,000.00 for arrears owing up to December 31, 2022.
2. The Tenant shall pay the amount set out in paragraph 1 according to the following schedule:
 1. \$10,000.00 on or before December 9, 2022.
 2. \$10,000.00 on or before December 16, 2022.
 3. \$15,000.00 on or before January 9, 2023.

3. The Tenant shall also pay the Landlords the full rent on or before the **first** day of each **month** for the period from **December 2022** up to and including **January 2023** or until all arrears in paragraph 1 have been paid, whichever is sooner.
4. CONSEQUENCES OF BREACH: If the Tenant does not make any of the payments required in paragraphs 2 or 3 in full and on time:
 - o The Landlords may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlords must make the application within 30 days of a breach of condition set out in paragraph 2 or 3. This normally results in the LTB issuing an eviction order without a hearing being held.

OR

- o The Landlords may ask the LTB to reopen the application no later than 30 days after the Tenant's breach. This will result in a hearing at the LTB.
5. Either the Landlords or the Tenant can ask the LTB to reopen the application within 30 days of date this order is issued if they believe the other party forced them to enter into the agreement, or if the other party deliberately made false or misleading misrepresentations that had a material effect on the agreement and the order issued.

January 27, 2023

Date Issued

Vladislav Shustov

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.