



Order under Section 69 Residential Tenancies Act, 2006

Citation: CDSSAB v Martel-Benson, 2023 ONLTB 16647

Date: 2023-01-30

File Number: LTB-L-026302-22

In the matter of: 12 DOWNS AVE
Kapuskasing ON P5N2V4

Between: CDSSAB Landlord

And

Jessie-Mae Martel-Benson Tenant

CDSSAB (the 'Landlord') applied for an order to terminate the tenancy and evict Jessie-Mae Martel-Benson (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 representative J Kennedy and the Tenant attended the hearing. The parties met privately to come to a consent agreement, however prior to the parties coming before the Member to present the consent agreement, the Tenant was disconnected from the hearing and was unable to reconnect to the hearing room.

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 \$513.00. It is due on the 1st day of each month.
4. The Tenant has paid \$4,700.00 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$787.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.
8. The Landlord's representative J Kennedy testified that prior to the Tenant disconnecting from the hearing room, the terms of a consent agreement had been reached with the Tenant.

9. The Landlord's representative JK testified that the terms of the consent are as follows:
1. The Tenant and the Landlord agree that the total arrears of rent up to January 31, 2023 and costs is \$973.00.
 2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in the following manner:

a minimum amount of \$100 each month, in addition to regular monthly rent, payable at the same time as regular monthly rent, on the 1st day of the month, continuing each and every month until the total of \$973 has been paid, with the final payment no later than November 1st, 2023.
 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. The Landlord is not seeking eviction on this application.

10. 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 conditions agreed to by the parties prior to the Tenant disconnecting from the hearing room. I find the details regarding the meeting between the parties and the terms of the consent as presented by the Landlord's representative JK to be believable.

It is ordered that:

1. The Tenant shall pay to the Landlord \$973.00 for arrears of rent up to January 31, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in the following manner:

a minimum of \$100 each month, in addition to regular monthly rent, payable at the same time as regular monthly rent, on the 1st day of the month, continuing each and every month until the total of \$973 has been paid, with the final payment no later than November 1st, 2023.

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.

January 30, 2023
Date Issued

Heather Kenny
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.