



## Order under Section 69 and Utilizing Section 78 Residential Tenancies Act, 2006

Citation: JANJIC v REVILLE, 2023 ONLTB 16581

Date: 2023-01-24

File Number: LTB-L-055004-22

**In the matter of:** 15, 122 MELROSE AVENUE SOUTH  
HAMILTON ON L8M2Y8

**Between:** NED JANJIC Landlord

**And**

MELISSA REVILLE Tenant

NED JANJIC (the 'Landlord') applied for an order to terminate the tenancy and evict MELISSA REVILLE (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 19, 2023. Only the Landlord 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 as of January 1, 2023 is \$999.38. It is due on the first day of each month.
4. At the hearing, the Landlord clarified that the rent arrears owing to January 31, 2023 are \$724.38.
5. There is no last month's rent deposit.
6. The Landlord indicated that he had discussions with the Tenant and had come up with a suitable payment arrangement in order for the Tenant to catch up on the arrears. The Landlord requested that the Board grant a conditional order under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for the February and March rent and to extend the time for the Tenant to pay the arrears to March 31, 2023. The Landlord indicated that he agreed to this with the Tenant on the basis that she set up direct payments with the Landlord. I see no reason to deny the Landlord's request for conditional relief, however, I cannot order the Tenant to pay by direct payment. I will leave that in the hands of the parties.
7. The Landlord further indicated that he would waive the \$201.00 application filing fee.

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8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of 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.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$724.38 for arrears of rent up to January 31, 2023.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - a) \$724.38 on or before March 31, 2023; and
3. The Tenant shall also pay to the Landlord rent for February and March of 2023 on or before the first day of the month, or until the arrears are paid in full, whichever 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.

**January 24, 2023**

**Date Issued**

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Terri van Huisstede

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.