



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Windsor Essex Community Housing Corporation v Zenteno Veiazqeuz, 2023 ONLTB  
15998

**File Number:** LTB-L-027561-22

**In the matter of:** A5 NANCY COURT  
LEAMINGTON ON N8H1J8

**Between:** Windsor Essex Community Housing Corporation Landlord

**And**

Veronica Zenteno Veiazqeuz Tenant

Windsor Essex Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Veronica Zenteno Veiazqeuz (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 17, 2023.

The Landlord's Legal Representative M.Roy and the Tenant attended the hearing.

### **Determinations:**

#### Preliminary Issues:

1. Tenant Duty Counsel requested an adjournment as she felt the Tenant had language barrier and may require an interpreter. When I addressed the Tenant and spoke to her, I found that even though the Tenant was able to comprehend what I was saying and reply to questions in a reasonable way. The Tenant agreed to continue with the hearing.
2. The Landlord's Legal Representative and the Tenant also agreed that the application shall be amended to correct the spelling of the Tenant's last name from Veiazeuz to Veiazqeuz

#### L1 Application- Rent arrears:

3. 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.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent is \$593.00. It is due on the 1st day of each month.

6. Based on the Monthly rent, the daily rent/compensation is \$19.50. This amount is calculated as follows: \$593.00 x 12, divided by 365 days.
7. The Tenant has paid \$3,326.00 to the Landlord since the application was filed.
8. The rent arrears owing to January 31, 2023 are \$3,580.00. The Tenant contested the balance of arrears but the payments that the Tenant indicated she had made were same as the Landlord's account. Hence based on the evidence before me, I find the Landlord's account of the arrears is accurate.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. There is no last month's rent deposit.
11. 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. The Landlord's Legal Representative and the Tenant went into discussion and agreed on a payment plan.

**It is ordered that:**

1. The Tenant shall pay the Landlord \$3,766.00 for rent arrears and costs owing through January 31, 2023.
2. The Tenant shall pay the amount in paragraph one as follows:
  - a) \$100.00 by the last day of each month during the period February 28, 2023 till March 30, 2026; and
  - b) \$66.00 by April 30, 2026.
3. The Tenant shall also pay to her monthly rent on or before the 1<sup>st</sup> of every month in full and on time until April 30, 2026 or the arrears are paid in full, whichever is sooner.
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.

**February 6, 2023**  
**Date Issued**

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 Sheena Brar  
 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.