



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

**Citation:** Old Oak Properties Inc. v Kabani, 2023 ONLTB 14739

**Date:** 2023-01-17

**File Number:** LTB-L-024943-22

**In the matter of:** 207, 595 PROUDFOOT LANE LONDON  
ON N6H4S1

**Between:** Old Oak Properties Inc. Landlord

**And**

Chalak Kabani Tenant

Old Oak Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Chalak Kabani (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023. Only the Landlord's agent Renabelle King 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 is \$1,083.39. It is due on the first day of each month.
4. The rent arrears owing to January 31, 2023 are \$907.22.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. At the hearing the Landlord's agent testified that the parties had entered into a repayment agreement and that the Landlord wished to continue with the current repayment plan. The Landlord provided the Board with a written copy of the repayment agreement signed by both parties (LL exhibit #1).
7. 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.

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**It is ordered that:**

1. The Tenant shall pay to the Landlord \$1,093.22 which represents arrears of rent owing to January 31, 2023 (\$907.22) and the costs of filing the application (\$186.00).
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - a) \$156.17 on or before the first day of each month commencing February 1, 2023 and continuing through to July 1, 2023.
  - b) \$156.20 on or before August 1, 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 of February 1, 2023 to August 1, 2023, or until the arrears are paid in full, whichever date 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 17, 2023**  
**Date Issued**

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Fabio Quattrociocchi  
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.