



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

Citation: Goldmar Property Management v Peach, 2023 ONLTB 15003

Date: 2023-01-13

File Number: LTB-L-009510-22

In the matter of: 491 LOUIS AVE WINDSOR
ON N9A1W5

Between: Goldmar Property Management Landlord

And

Abigail Stachow and Kyle Peach Tenants

Goldmar Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Abigail Stachow and Kyle Peach (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on January 9, 2023.

Only the Landlord's representative, T. Currie, attended the hearing.

As of 9:35 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. I find, on reviewing the history of rental payments and hearing the submissions of the Landlord's representative, that the Tenants have been persistently late in paying their rent. Specifically I find that the Tenant have been late with rental payments for 20 out of the past 21 months.
2. The Landlord's representative indicated that the rent is presently current and that the Landlord is content with a conditional order compelling the Tenants to pay on time going forward rather than an order for termination of the tenancy.

3. 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 Tenants shall pay the full monthly rent on or before the first day of each month for 12 months, commencing February 1, 2023 through January 1, 2024.
2. The Tenants shall pay the Landlord \$186.00 for the Landlord's application filing fee on or before January 24, 2023, failing which the Tenants shall owe interest on the amount owing at the annual rate of 5.0% from January 24, 2023 to the date the amount is paid.
3. If the Tenants fail to make any of the payments under paragraphs one above, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act'), within 30 days of the breach, without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant; and requiring that the Tenant pay any new arrears and NSF fees and related charges that become owing after January 9, 2023.

January 13, 2023
Date Issued

Lynn Mitchell
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.

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