



Order under Section 69 Residential Tenancies Act, 2006

Citation: MEDALLION CORPORATION v Ralph, 2023 ONLTB 14408

Date: 2023-01-12

File Number: LTB-L-024318-22

In the matter of: 410, 5 HARDING AVE
NORTH YORK ON M6M0A3

Between: MEDALLION CORPORATION Landlord

And

Roselyn Ralph Tenant

MEDALLION CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Roselyn Ralph (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 4, 2023 at 1:00 pm.

Only the Landlord Representative Marija Jelic attended the hearing.

As of 1:30 pm, 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. 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 \$1,489.86. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$48.98. This amount is calculated as follows: \$1,489.86 x 12, divided by 365 days.
5. The Tenant has paid \$7,225.16 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$2,793.72.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$1,470.37 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$30.33 is owing to the Tenant for the period from September 1, 2020 to January 4, 2023.
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 subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. Specifically, at the time of the hearing the Landlord Representative submitted into evidence a payment agreement signed by both the Landlord and Tenant.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2,979.72 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 on or before January 15, 2023
3. If the Tenant fails to make the payment 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 12, 2023
Date Issued

Kelly Delaney
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before January 23, 2023

Rent Owing To January 31, 2023	\$14,488.46
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,225.16
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenant for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total the Tenant must pay to continue the tenancy	\$7,449.30

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$13,194.51
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,225.16
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,470.37
Less the amount of the interest on the last month's rent deposit	- \$30.33
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$4,654.66
Plus daily compensation owing for each day of occupation starting January 5, 2023	\$48.98 (per day)

