



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

**Citation:** Sireg Management Inc. v Koostachin, 2023 ONLTB 14354

**Date:** 2023-01-11

**File Number:** LTB-L-023807-22

**In the matter of:** 168 SYLVAN CRES  
NORTH BAY ON P1A2Y8

**Between:** Sireg Management Inc. Landlord

**And**

Boyladd Chum and Shania Koostachin Tenants

Sireg Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Boyladd Chum and Shania Koostachin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 4, 2023.

Only the Landlord's Agent Martha Maciuk attended the hearing.

As of 9:50a.m., the Tenants 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,099.72. It is due on the 1st day of each month.
4. The Tenants have paid \$10,163.20 to the Landlord since the application was filed.
5. In the hearing room when I calculated the outstanding arrears the number I arrived at was \$1,665.52. I calculated this number by adding the amount outstanding at the time the application was filed (\$2,145.80) to the new rent that has come due since the application was filed (9,682.92) and subtracted the payments made by the Tenant (\$10,163.20).
6. The Landlord's agent submitted that the outstanding arrears should only be \$842.62. I asked the Landlord's agent if they would like to hold the matter down or revise any of the numbers they had provided me with and they reiterated that the correct arrears are

\$842.62. As such, I will accept that lower number as the amount of arrears outstanding to January 31, 2022.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. 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.
9. The parties agreed upon a payment plan prior to the hearing. According to the Landlord's agent the Tenants did meet the first payment in accordance with that plan. As such, the Landlord did not seek eviction at the hearing and asked instead that I impose a payment plan. Given that the arrears are fairly low, and that the Tenants have already made one payment in accordance with their repayment agreement with the Landlord, I find that it would be fair in the circumstances to grant relief from eviction in the form of a repayment plan. According to the Landlord's agent the parties had previously agreed that the arrears would be paid off by January 20, 2023 as such I will adopt that date.

**It is ordered that:**

1. The Tenancy shall continue if on or before January 20, 2023 the Tenants pay the Landlord \$1,028.62. This amount includes the outstanding arrears to January 31, 2023 and the Landlord's filing fee.
2. If the Tenants fail to make that payment, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenants, for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after January 31, 2023.

**January 11, 2023**  
**Date Issued**

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Amanda Kovats  
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.