



Order under Section 206 Residential Tenancies Act, 2006

Citation: OTTAWA COMMUNITY HOUSING v Kimbatsa, 2023 ONLTB 15197

Date: 2023-01-10

File Number: LTB-L-016091-22

In the matter of: 2, 85 RITCHIE ST
OTTAWA ON K2B6E8

Between: OTTAWA COMMUNITY HOUSING

Landlord

And

Mesmin Brice Kimbatsa

Tenant

OTTAWA COMMUNITY HOUSING (the 'Landlord') applied for an order to terminate the tenancy and evict Mesmin Brice Kimbatsa (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 28, 2022.

Both the Landlord and Tenant attended the hearing.

The Landlord and the Tenant consented to the following order.

Agreed Upon Facts:

1. The agreement reached by the Landlord and the Tenant resolves the Landlord's application.
2. As a result of this order, no hearing will be held.

Based on the parties' agreement, it is ordered that:

1. The Tenant shall pay the Landlord \$11,554.00, which includes:
 - o \$11,368.00 for arrears owing up to October 1, 2022.
 - o \$186.00 for the fee paid by the Landlord for filing the application.
2. The Tenant shall pay the amount set out in paragraph 1 according to the following schedule:

\$200.00 per month commencing February 1, 2023

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3. The Tenant shall also pay the Landlord the full rent on or before the 1st day of each month for the period from October 1, 2022 up to and including or until all arrears in paragraph 1 have been paid, whichever is sooner.
4. CONSEQUENCES OF BREACH: If the Tenant does not make any of the payments required in paragraphs 2 or 3 in full and on time:
 - o The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of condition set out in paragraph 2 or 3. This normally results in the LTB issuing an eviction order without a hearing being held.

OR

- o The Landlord may ask the LTB to reopen the application no later than 30 days after the Tenant's breach. This will result in a hearing at the LTB.
5. Either the Landlord or the Tenant can ask the LTB to reopen the application within 30 days of date this order is issued if they believe the other party forced them to enter into the agreement, or if the other party deliberately made false or misleading misrepresentations that had a material effect on the agreement and the order issued.

January 16, 2023

Date Issued

John Tzanis

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.