



Order under Section 69 Residential Tenancies Act, 2006

Citation: Oxford Properties Group v Taylor, 2023 ONLTB 14381

Date: 2023-01-09

File Number: LTB-L-024606-22

In the matter of: A1124, 2699 BATTLEFORD RD
MISSISSAUGA ON L5N3R9

Between: Oxford Properties Group Landlord

And

Terron Taylor Tenant

Oxford Properties Group (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Taylor and Terron Taylor (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.

The Landlord Representative Martin Zarnett, the Tenants Terron Taylor and Robert Taylor 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 \$1,919.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$63.09. This amount is calculated as follows: $\$1,919.00 \times 12$, divided by 365 days.
5. The Tenant has paid \$7,350.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$14,030.00.
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 \$1,919.00 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 \$23.55 is owing to the Tenant for the period from January 1, 2022 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.
11. At the hearing the Tenant Terron Taylor didn't dispute the amount owing and testified that they could meet the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenant shall pay to the Landlord \$14,216.00 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 in accordance with the following schedule.
 - a. On or before January 6, 2023 the Tenant shall pay \$2,500.00;
 - b. On or before January 20, 2023: \$1,400.00;
 - c. On or before February 20, 2023: \$1,400.00;
 - d. On or before March 20, 2023: \$1,400.00;
 - e. On or before April 20, 2023: \$1,400.00;
 - f. On or before May 20, 2023: \$1,400.00;
 - g. On or before June 20, 2023: \$1,400.00;
 - h. On or before July 20, 2023: \$1,400.00;
 - i. On or before August 20, 2023: \$1,400.00; and
 - j. On or before September 20, 2023: \$516.00.
3. The Tenant shall also pay the lawful rent in full by the first day of each month during the period of February 01, 2023 to September 01, 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 paragraphs 2 or 3 of 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 9, 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.