



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: TORONTO COMMUNITY HOUSING CORPORATION v Shular, 2022 ONLTB 14332

Date: 2022-12-16

File Number: LTB-L-016540-22-RV

In the matter of: 1, 25 WEST LODGE AVE
TORONTO ON M6K2T2

Between: TORONTO COMMUNITY HOUSING CORPORATION Landlord

And

Gary Anthony Shular Tenant

TORONTO COMMUNITY HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Gary Anthony Shular (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-016540-22 issued on October 7, 2022.

On November 18, 2022, the Tenant requested a review of the order.

This the request to review was heard in by videoconference on December 12, 2022.

The Landlord's legal representative, Catherine Salgado, the Tenant, and the Tenant's legal representative, Samuel Mason, attended the hearing.

Determinations:

1. I am satisfied, based on the oral and documentary evidence presented at the hearing, that the Tenant is a person with a disability and that the Tenant's disability played a role in his failure to attend the previous hearing. Consequently, I find that the Tenant was not reasonably able to participate in the proceedings. As a result, I cancelled order LTB-L-016540-22 issued on October 7, 2022 and proceeded to hear the Landlord's application.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$423.00. It is due on the 1st day of each month.
5. The rent arrears owing to December 31, 2022 are \$8,049.00.

6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.
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.

It is ordered that:

1. The request to review order LTB-L-016540-22 issued on October 7, 2022 is granted and the order is cancelled.
2. The Tenant shall pay to the Landlord \$8,235.00 for arrears of rent up to December 31, 2022 and costs.
3. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - \$250.00 on the first of each month starting January 1, 2023 up to and including August 1, 2025
 - \$235.00 on September 1, 2025
4. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period January 2023 to September 2025, or until the arrears are paid in full, whichever date is earliest.
5. If the Tenant fails to make any one of the payments 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 2 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 December 31, 2022.

December 16, 2022

Date Issued

Richard Ferriss

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.