



Order under Section 69 Residential Tenancies Act, 2006

Citation: Prevost v Macdonald, 2022 ONLTB 13374

Date: 2022-11-30

File Number: LTB-L-030846-22

In the matter of: , 72 MONTGOMERY AVE
TIMMINS ON P4N3G2

Between: Amanda Prevost Landlord

And

Steven Macdonald Tenant

Amanda Prevost (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Macdonald (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 26, 2022.

The Landlord and the Tenant 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 \$850.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$27.95. This amount is calculated as follows: \$850.00 x 12, divided by 365 days.
5. The Tenant has paid \$565.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$6,040.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

Section 83

9. Section 83 requires that I consider all the circumstances, including the Tenant's and the Landlord's situations to determine if it would be appropriate to grant section 83 relief from eviction.
10. The Landlord seeks an immediate eviction, noting the arrears have increased and caused a strain. The Tenant seeks to remain at the rental unit, noting he had been laid off from his prior job during the pandemic and has 50/50 custody of a young child.
11. The Tenant is starting a higher paying, new cooking job during the 1st week of November 2022 and seeks to pay back the arrears at the rate of \$400/month once he starts his new job. The Tenant's anticipated monthly income will be \$2500.00.
12. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and given the anticipated changes in the Tenant's financial situation, 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 Tenant shall pay the Landlord \$6,226.00 for arrears up to October 31, 2022 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - (i) The Tenant will make payments towards the arrears in the amount of \$400 per month on or before the 15th day of each month for the period starting December 15, 2022 to February 2024. This means that the Tenant will make payments of \$400.00 per month for the next 15 months
 - (ii) The final payment will be in the amount of \$226.00 and will be paid on or before March 15, 2024.
3. If not already paid, the Tenant shall pay to the Landlord the monthly rent for November 2022 and December 2022, on or before December 7, 2022.
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 of January 1, 2023 through to March 2024, 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 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 October 31, 2022.

November 30, 2022

Date Issued

Peter Nicholson

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.