



Order under Section 69 Residential Tenancies Act, 2006

Citation: Ontario Aboriginal Housing Support Services Corporation v Smith, 2022 ONLTB 13045

Date: 2022-11-29

File Number: LTB-L-021054-22

In the matter of: 154 BRUCE RD 17 RR 2
TARA ON N0H2N0

Between: Infinity Property Services, an Agency of the Metis Nation of Ontario, Ontario Aboriginal Housing Support Services Corporation Landlord

And

Curtis Smith, Mercedes Alexander Tenants

Infinity Property Services, an Agency of the Metis Nation of Ontario, Ontario Aboriginal Housing Support Services Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Curtis Smith and Mercedes Alexander (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 27, 2022. Only the Landlord's legal representative L. Dubois and the Landlord's agent A. Rowlan attended the hearing. As of 2:06 pm, the Tenants were 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 \$506.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$16.64. This amount is calculated as follows: \$506.00 x 12, divided by 365 days.
5. The Tenants have paid \$2,345.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$841.00.
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.

9. 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.
10. Although the Tenants did not attend the hearing, the Landlord's representative testified that the Landlord and Tenants verbally came to an agreed payment plan in resolution of the matter.
11. I find that an order imposing the proposed payment plan would be less prejudicial to the Tenants than issuing a 'standard order' and the Tenants are afforded an opportunity to preserve their Tenancy and remain in the rental unit.

It is ordered that:

1. The Tenants shall pay to the Landlord \$1,027.00 for arrears of rent up to October 31, 2022 and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$200.00 on the 20th day of each month commencing November 20, 2022 through March, 2023
 - b) Final payment of \$27.00 on the 20th day of April 2023.
3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period November 1, 2022 to April 1, 2023, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act 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 October 31, 2022.

November 29, 2022
Date Issued

Donna Adams
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.