



Order under Section 69 Residential Tenancies Act, 2006

Citation: Clairhaven Ltd v Bish, 2022 ONLTB 12867

Date: 2022-11-24

File Number: LTB-L-019988-22

In the matter of: B-11, 641 Vaughn Road
Toronto, ON M6E 2Y4

Between: Clairhaven Ltd

Landlord

And

Beverly Bish

Tenant

Clairhaven Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Beverly Bish (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 25, 2022.

The Landlord's Legal Representative Faith McGregor, the Tenant and the Tenant's Legal Representative Julio Diaz 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 \$591.50. It is due on the 7th day of each month.
4. The Tenant has paid \$4,350.00 to the Landlord since the application was filed.
5. The rent arrears owing to October 31, 2022 are \$614.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The total amount owing is \$800.00 (\$614.00 + \$186.00).
8. The Tenant has proposed a payment plan to pay \$100.00 in addition to her regular rent to the Landlord until all of the arrears are paid in full for the next 8 months.
9. The Tenant receives \$1,500.00 a month from her pension. While the amount the Tenant receives exceeds her rent and her proposed payment by \$808.50, the Tenant testified that she will often require money for her medication.

10. Having reviewed the evidence, I find that the Tenant's proposed payment plan is reasonable. The Tenant has been in the unit since 1981 and her income can support the proposed payment plan.
11. 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 pursuant to subsection 83(1)(a) of the Act.

It is ordered that:

12. The Tenant shall pay to the Landlord \$800.00 as follows:
 - a) On or before the 7th of the month, starting December 7, 2022, until July 7, 2023, in addition to the regular lawful rent the Tenant shall pay \$100.00 towards the arrears of rent.
13. If the Tenant does not make the payments in accordance with this order, the Landlord may apply to the Board under s. 78 of the Act without notice to the Tenant, for an order terminating the Tenancy and evicting the Tenant. The Landlord must make this application no later than 30 after the Tenant's failure to make a payment. As part of this application, the Landlord can also request an order for new arrears, NSF cheque fees and related administrative charges and the cost of filing the application.

November 24, 2022
Date Issued

Jagger Benham
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on June 6, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

