



Order under Section 69 Residential Tenancies Act, 2006

Citation: XX LP v Hopkins, 2022 ONLTB 12579

Date: 2022-11-22

File Number: LTB-L-018013-22

In the matter of: 1408, 1970 Fowler Drive
Mississauga ON L5K1B5

Between: IMH Pool XX LP Landlord

And

Brenda Lee Lewis Tenant

IMH Pool XX LP (the 'Landlord') applied for an order to terminate the tenancy and evict Brenda Lee Lewis, Miles Lewis Hopkins, Princess Lewis Henry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022.

The Landlord's representative S. Beard 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 \$1,256.39. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$41.31. This amount is calculated as follows: \$1,256.39 x 12, divided by 365 days.
5. The Tenant has paid \$6,815.28 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$2,879.45. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. The Tenant does not dispute the amount owing.
7. The Landlord collected a rent deposit of \$1,173.17 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.
8. 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. The Tenant indicated she has 4 dependents and is now working full time. The Tenant proposes making payments of \$400/month towards the arrears. I find that this request is reasonable in the circumstance. 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. Conditional relief is granted below.

It is ordered that:

1. The parties agree that the total of rent arrears and costs owing up to October 31, 2022 is \$3,065.45.
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 1st day of each month for the period of December 1, 2022 through to June 1, 2023. This means that the Tenant will make payments of \$400.00 per month for 7 consecutive months.
 - (ii) The final payment will be in the amount of \$265.45 and will be paid by the Tenant on or before July 1, 2023
3. If not already paid, the Tenant shall pay the monthly rent for November 2022, on or before December 1, 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 December 1, 2022 to July 2023, or until the arrears are paid in full, whichever date is earliest.
3. 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 22, 2022
Date Issued

 Peter Nicholson
 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.