



Order under Section 69 Residential Tenancies Act, 2006

Citation: FALCONWIN PROPERTY MANAGEMENT v Bakola, 2022 ONLTB 10574

Date: 2022-11-07

File Number: LTB-L-019872-22

In the matter of: 311, 1850 Victoria Park Ave
Toronto ON M1R1T1

Between: FALCONWIN PROPERTY MANAGEMENT Landlord

And

Myrofora Bakola Tenant

FALCONWIN PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict Myrofora Bakola (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 25, 2022 at 09:00 am. Only the Landlord Representative Renee Basser attended the hearing.

As of 09:30, the Tenant was 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 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 \$2,200.00. It is due on the day day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$72.33. This amount is calculated as follows: \$2,200.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$3,000.00.
7. There is no last month's rent deposit.
8. Prior to the hearing both the parties came to an agreement regarding a payment plan which the Landlord Representative entered into evidence. Accordingly, giving consideration to all of the disclosed circumstances, in accordance with subsection 83(2) of

the *Residential Tenancies Act, 2006* (the 'Act'), and in exercising my discretion, I 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 to the Landlord \$13, 504.00 for arrears of rent 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:
 - a. On or before November 20, 2022 -\$1,000.00;
 - b. On or before December 20, 2022 -\$1,000.00;
 - c. On or before January 20, 2023 - \$1,000.00;
 - d. On or before February 20, 2023 -\$1,000.00;
 - e. On or before March 20, 2023 -\$1,000.00;
 - f. On or before April 20, 2023 -\$1,000.00;
 - g. On or before May 20, 2023 -\$1,000.00
 - h. On or before June 20, 2023 -\$1,000.00;
 - i. On or before July 20, 2023 -\$1,000.00;
 - j. On or before August 20, 2023 -\$1,000.00;
 - k. On or before September 20, 2023 -\$1,000.00;
 - l. On or before October 20, 2023 -\$1,000.00; and
 - m. On or before November 20, 2023 -\$1,504.00
3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period November 01, 2022 to November 01, 2023, or until the arrears are paid in full, whichever date is earliest.
4. 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 7, 2022
Date Issued

Kelly Delaney
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.