



Order under Section 69 Residential Tenancies Act, 2006

Citation: GALAXY VALUE ADD ONTARIO PROPERTIES LP v Harper, 2022 ONLTB 10495

Date: 2022-11-01

File Number: LTB-L-009354-22

In the matter of: 103, 1550 TROSSACKS AVE
LONDON ON N5X2P3

Between: GALAXY VALUE ADD ONTARIO Landlord
PROPERTIES LP

And

Jeanie Harper Tenant

GALAXY VALUE ADD ONTARIO PROPERTIES LP (the 'Landlord') applied for an order to terminate the tenancy and evict Jeanie Harper (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on September 14, 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 \$907.52. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$29.84. This amount is calculated as follows: \$907.52 x 12, divided by 365 days.
5. The Tenant has paid \$9,049.26 to the Landlord since the application was filed.
6. The rent arrears owing to September 30, 2022 are \$448.38. The Tenant disputed the amount owing and post hearing submissions were considered by the parties as to whether rent was paid in December 2021. Upon reviewing the Tenant's submissions, I find that although the Tenant initially had a credit of \$448.38 from April 2021, the Tenant ultimately failed to pay rent in December 2021. The Landlord incurred \$100 in NSF charges, and is entitled to reimbursement of these charges

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. 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:

1. The Tenant shall pay the Landlord \$734.38 for arrears and costs owing up to September 30, 2022.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 on or before November 30, 2022.
3. If not already paid, The Tenant shall also pay to the Landlord the monthly rent for the months of October 2022 and November 2022, on or before November 30, 2022.
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 September 30, 2022.

November 1, 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.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice