



Order under Section 69  
**Residential Tenancies Act, 2006**

**Citation:** 498771 Ontario Limited C.O.B Lyden Park Towers v Teleki, 2022 ONLTB 9807

**Date:** 2022-10-26

**File Number:** LTB-L-005895-22

**In the matter of:** 403, 63 SYMPATICA CRES  
BRANTFORD ON N3P1M6

**Between:** 498771 Ontario Limited C.O.B Lyden Park Towers Landlord

**And**

Jozsef Teleki, Maria Kelbezan Tenants

498771 Ontario Limited C.O.B Lyden Park Towers (the 'Landlord') applied for an order to terminate the tenancy and evict Jozsef Teleki and Maria Kelbezan (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on October 20, 2022.

Only the Landlord's Legal Representative, Mark Ciobotaru, attended the hearing.

As of 10:03 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. 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 Tenant have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each Monthly. The rent has been paid late 12 times in the past 13 months for the period February 2021 to Jan 19, 2022.
2. Due to the persistently late payment of rent, the Landlord served the Tenants a N8 Notice of Eviction on January 19, 2022; the notice had a termination date of March 31, 2022.
3. The Landlord's Legal Representative submitted that as indicated by the ledger, the Tenants have paid late 9 of the 10 months from February 2022 through October 2022 and they currently owe \$1,009.19 in arrears. The Representative further submitted, that the Landlord felt a pay-on-time order would be reasonable in the circumstances; this is a long-standing tenancy of almost 9 years.
4. 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. I accept the Landlord's Legal Representative's submission; a conditional pay-on-time order for a one-year period is reasonable and the Tenants did not attend the hearing to present any other considerations.

5. As the Landlord was successful in its application, the Landlord is entitled to reimbursement of the application filing fee.
6. This order contains all the reasons for the decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The Tenants shall pay the lawful rent to the Landlord in full and on time for the period November 1, 2022 through October 31, 2023.
2. If the Tenants fail to make any payments in accordance with paragraph 1, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants, The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 of this order.
3. The Tenants shall pay the Landlord the application filing fee of \$186.00 on or before November 15, 2022.
4. If the Tenants do not pay the Landlord the full amount owing from paragraph 4 on or before June 20, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 16, 2022 at 3.00% annually on the balance outstanding.

**October 26, 2022**  
**Date Issued**

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Diane Wade  
Member, Landlord and Tenant Board

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