



Order under Section 69 Residential Tenancies Act, 2006

Citation: CAPREIT 2 LIMITED PARTNERSHIP v Ford, 2022 ONLTB 9737

Date: 2022-10-26

File Number: LTB-L-011826-22

In the matter of: 607, 2190 WESTON RD
TORONTO ON M9N1Y2

Between: CAPREIT 2 LIMITED PARTNERSHIP Landlord

And

Rita Ford Tenant

CAPREIT 2 LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict Rita Ford (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 1, 2022.

The Landlord's Legal Representative, J Paine 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 \$1,337.68. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$43.98. This amount is calculated as follows: \$1,337.68 x 12, divided by 365 days.
5. The Tenant has paid \$4,900.00 to the Landlord since the application was filed.
6. The rent arrears owing to September 30, 2022 are \$5,817.29.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

8. At the hearing, the parties came before me intending to enter into a consent. What they agreed to at the hearing was that the total owed by the Tenant to the Landlord was \$6,003.29 inclusive of the filing fee. The Payment plan they suggested to me was for the

Tenant to pay \$500.00 a month starting on September 20, 2022, until May 20, 2023. The last payment on June 20, 2023 was indicated to be \$165.61. The math does not add up, according to what they presented to me. $500 \times 9 = \$4,500$, plus the final payment of 165.61 totals \$4,665.61. That is not the total that they agreed was owing.

9. I believe the Landlord and the Tenant intended to resolve the application by way of consent, and using the proper total, there are three months added to the agreed upon payment plan. As such, in the spirit of the parties wishing to resolve this by way of consent agreement, 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 \$5,817.29 for arrears of rent up to September 30, 2022 and \$186.00 in costs. The total amount the Tenant owes to the Landlord is \$6,003.29.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - Starting on September 20, 2022, the Tenant shall pay \$500.00 to the Landlord on or before the 20th day of every month until July 20, 2023.
 - On or before August 20, 2023, the Tenant shall pay 503.29 to the Landlord.
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 starting October 1, 2022 to August 1, 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 September 30, 2022.

October 26, 2022
Date Issued

Emily Robb
Member, Landlord and Tenant Board

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