



Order under Section 69 Residential Tenancies Act, 2006

Citation: Nepean Housing Corporation v Ayers, 2022 ONLTB 9733

Date: 2022-10-26

File Number: LTB-L-016106-22

In the matter of: 81 DRAFFIN CRT
NEPEAN ON K2G5T7

Between: Nepean Housing Corporation Landlord

And

Christine Ayers Tenant

Nepean Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Christine Ayers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 28, 2022.

Only the Landlord's legal representative, Kayleigh Maclean attended the hearing.

As of 2:05pm, 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 \$1,153.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$37.91. This amount is calculated as follows: \$1,153.00 x 12, divided by 365 days.
5. The Tenant has paid \$774.00 to the Landlord since the application was filed.
6. There are no rent arrears owing to September 30, 2022.
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. As of the date of the hearing the Tenant did not owe any rent arrears, and the only amount outstanding is the filing fee.

It is ordered that:

1. The Tenant shall pay the Landlord \$186.00 for the application filing fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 9, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 10, 2022, at 4.00% annually on the balance outstanding.

October 26, 2022

Date Issued

Nicole Huneault

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.