



Order under Section 69 Residential Tenancies Act, 2006

Citation: Galaxy Real Estate Core Ontario Properties LP v Lyons, 2022 ONLTB 9556

Date: 2022-10-20

File Number: LTB-L-014099-22

In the matter of: 0410, 19 ROSEMOUNT DR
TORONTO ON M1K2W4

Between: Galaxy Real Estate Core Ontario Properties Landlord
LP

And

Susan Macintyre, Tara Lyons Tenant

Galaxy Real Estate Core Ontario Properties LP (the 'Landlord') applied for an order to terminate the tenancy and evict Susan Macintyre, Tara Lyons (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's legal representative, Sharon Harris and the Tenant, Tara Lyons, 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 \$1,460.58. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$48.02. This amount is calculated as follows: \$1,460.58 x 12, divided by 365 days.
5. The Tenant has paid \$7,241.00 to the Landlord since the application was filed.
6. The rent arrears owing to September 30, 2022, are \$2,877.65 which includes \$186.00 the Landlord incurred for the filing fee.
7. The Landlord collected a rent deposit of \$1,443.91 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

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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 the Landlord's application for eviction is denied on the conditions set out below.

It is ordered that:

1. The current outstanding rent arrears the Tenant owes the Landlord is \$2,877.65 including the \$186.00 filing fee.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$300.00 on or before the 15th of each month for 9 months beginning October until June 2023
 - b) \$177.65 on or before the 15th of July 2023.
3. Commencing October 1st, 2022, and continuing for the duration of the outstanding arrears, the Tenant shall also pay the Landlord new rent in full on or before the first day of each month.
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
5. 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 July 15, 2023.

October 20, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before October 31, 2022

Rent Owing To October 31, 2022	\$11,393.23
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,241.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$
Total the Tenant must pay to continue the tenancy	\$4,338.23

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$1,169.17
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,241.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,443.91
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$
Total amount owing to the Landlord	\$(7,329.74)
Plus daily compensation owing for each day of occupation starting	\$48.02 (per day)

