



Order under Section 69 Residential Tenancies Act, 2006

Citation: 2381070 Ont Ltd. v Cherry, 2022 ONLTB 8866

Date: 2022-10-19

File Number: LTB-L-017606-22

In the matter of: B202, 205 BRIDGE ST W
BELLEVILLE ON K8P4V3

Between: 2381070 Ont Ltd. Landlord

And

Crystal Cherry Tenant

2381070 Ont Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Cherry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022.

The Landlord's Legal Representative Dara Saunders and the Tenant Crystal Cherry attended the hearing.

Determinations:

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application. The Tenant was also given an opportunity to provide submissions and evidence.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$1,316.05. It is due on the 1st day of each month.
5. The Tenant has paid \$7,484.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$2,628.40.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord sought eviction within 11 days of this order. At the hearing, the Tenant agreed with the arrears being claimed and suggested a payment plan to address the arrears and ongoing monthly rent in order to maintain the tenancy. I canvassed the Tenant's monthly income and determined it is sufficient to support payments towards the

rent arrears as well as the monthly rent. The Landlord, while not consenting to a payment plan had no significant objection and was content to leave the decision to me. I also noted the significant payments made by the Tenant to the Landlord since the application was filed. Lastly, the Tenant resides in the rental unit with her 17 year old child, making it difficult to find alternate living arrangements.

9. 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. The Tenant will be given the opportunity to maintain the tenancy and a repayment plan will be ordered.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2,814.40 for arrears of rent up to October 31, 2022 and costs in accordance with the following schedule:
 - a) \$500.00 on November 21, 2022
 - b) \$500.00 on December 21, 2022
 - c) \$500.00 on January 21, 2023
 - d) \$500.00 on February 21, 2023
 - e) \$500.00 on March 21, 2023
 - f) \$314.40 on April 21, 2023
2. The Tenant shall pay the Landlord the monthly rent as it becomes due and owing on or before the first day of every month beginning November 1, 2022 until April 1, 2023, or until the arrears are paid in full, whichever date is earliest.
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 paragraphs 1 and 2 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 October 31, 2022.

October 19, 2022
Date Issued

John Cashmore
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.