



Amended Order
Order under Section 69
Residential Tenancies Act, 2006
And Section 21.1 of the **Statutory Powers Procedure Act**

File Number: LTB-L-034292-25-AM

In the matter of: COTTAGE 8, 165 RIVER RD E
WASAGA BEACH ON L9Z2L5

Between: 2463903 ONTARIO LIMITED Landlord

And

PAUL SMITH Tenants
THERESA SMITH

2463903 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Smith and Theresa Smith (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 16, 2025. Only the Landlord's Agent, Xizhen Chai, attended the hearing.

As of 9:33 a.m., the Tenants were 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.

This amended order is issued to correct clerical errors in the order issued on August 6, 2025.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the notice or before the day the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,550.00. It is due on the 1st day of each month.
4. The Tenants have paid \$2,500.00 to the Landlord since the application was filed.
5. The rent arrears owing to July 31, 2025 are \$8,850.00.

6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. Accordingly, the total amount the Tenants owe the Landlord is \$9,036.00.

Relief from Eviction / Section 83 of the Act

8. The Landlord's Agent stated that they have been in regular communication with the Tenants. After the Tenants received the Landlord's L1/L9 Update Sheet, the Tenant, Theresa Smith, advised the Landlord's Agent that the Tenants could pay \$1000.00 on or before July 25, 2025 and then \$450.00 per month thereafter until the arrears are paid in full, which the Landlord was agreeable to. In light of this, the Landlord's Agent requested a payment plan.
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.
10. The Tenants did not attend the hearing to dispute the arrears claimed by the Landlord or to request a different payment plan. I find the payment plan proposed by the Landlord's Agent to be reasonable (with necessary modifications to the dates and the final payment amount) as it will give the Tenants 19 months to pay off the arrears and allow them to continue their tenancy provided that the payments are made.

It is ordered that:

1. The Tenants shall pay to the Landlord \$9,036.00 for arrears of rent up to July 31, 2025 and costs.
2. The Tenants shall also pay to the Landlord the full monthly rent for August 2025 on or before August 12, 2025, if they have not done so by the date of this order.
3. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - i. \$1,000.00, on or before August 25, 2025;
 - ii. \$450.00, on or before the 25th day of each month, for 17 months, commencing September 25, 2025 to January 25, 2027; and
 - iii. \$386.00, on or before February 25, 2027.
4. The Tenants shall also pay to the Landlord the rent in full and on time as it comes due and owing for the period of September 1, 2025 to February 1, 2027, or until the arrears are paid in full, whichever date is earliest.

5. If the Tenants fail 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach, pursuant to section 78 of the Act, for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after July 31, 2025.

August 6, 2025

Date Issued

Rachel Gibbons

Member, Landlord and Tenant Board

January 19, 2026

Date Amended

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.