



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-085289-25

In the matter of: 709, 303 Aylmer St. N.
Peterborough, ON K9J 7K5

Between: AON Inc. Landlord

And

Martin Birrell Tenants
Erin Sage

AON Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Martin Birrell and Erin Sage (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on December 22, 2025.

Only the Landlord's agent, Ron Krieger, attended the hearing.

As of 1:58 p.m., the Tenants were not present, nor 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,247.20. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$41.00. This amount is calculated as follows: $\$1,247.20 \times 12$, divided by 365 days.
5. The Tenants have paid \$4,294.00 to the Landlord since the application was filed.
6. The rent arrears owing to December 31, 2025, are \$1,636.61.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,247.20 from the Tenants 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.
9. Interest on the rent deposit, in the amount of \$30.41 is owing to the Tenants for the period from January 1, 2025, to December 22, 2025.
10. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlord attempted to negotiate a repayment agreement with the Tenants, and find that it would not be unfair to grant a conditional order pursuant to subsection 83(1) of the Act.
11. The Landlord's Agent testified that the parties have agreed to a payment plan. The Landlord is willing to proceed with the same to give the Tenants an opportunity to preserve their tenancy. An email chain was submitted to show the Tenants' acceptance of the payment plan.

It is ordered that:

1. The Tenants shall pay to the Landlord \$1,822.21 for arrears of rent up to December 31, 2025, and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) The Tenants shall pay \$500.00 towards arrears of rent on or before the 15th day of each month, beginning January 15, 2026, up to and including March 15, 2026.
 - b) The Tenants shall pay \$322.21 towards rent arrears on or before April 15, 2026.
3. The Tenants shall pay to the Landlord the lawful rent for January 2026, on or before January 10, 2026. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period February 1, 2026, to April 1, 2026, or until the arrears are paid in full, whichever date is earliest.
4. 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 December 31, 2025.

January 9, 2026
Date Issued

Sheena Brar
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.