



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-085811-25

In the matter of: 1706, 123 CHARLTON AVE E
HAMILTON ON L8N3W3

Between: Drake Property Management Landlord

And

Mitesh Patel Tenants
Hitu Patel

Drake Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Mitesh Patel and Hitu Patel (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The application was heard by videoconference on January 6, 2026. The Landlord's legal representative Sabrina Marchionne and the Tenants attended the hearing.

At the hearing, the parties engaged in mediation. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

Agreed Facts:

1. As of the hearing date, the Tenants were still in possession of the rental unit.
2. The lawful rent is \$2,025.65. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$66.60. This amount is calculated as follows: $\$2,025.65 \times 12$, divided by 365 days.
4. The rent arrears owing to January 31, 2026 are \$70.00.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$1,984.00 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.

7. Interest on the rent deposit, in the amount of \$50.28 is owing to the Tenants for the period from January 1, 2025 to January 6, 2026.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$256.00 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after January 31, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before January 31, 2026.**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$3,404.33. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$66.60 per day for compensation for the use of the unit starting January 7, 2026 until the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before January 31, 2026, then starting February 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 1, 2026.

January 12, 2026
Date Issued

Sandra Sabourin
Hearings Officer, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 1, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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 January 31, 2026

Rent Owing To January 31, 2026	\$6,263.65
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,193.65
Total the Tenant must pay to continue the tenancy	\$256.00

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

Rent Owing To Hearing Date	\$4,637.60
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,193.65
Less the amount of the last month's rent deposit	- \$1,984.00
Less the amount of the interest on the last month's rent deposit	- \$50.28
Total amount owing to the Tenant	\$(3,404.33)
Plus daily compensation owing for each day of occupation starting January 7, 2026	\$66.60 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	