



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Evans v Fawcett, 2026 ONLTB 4906

Date: 2026-01-16

File Number: LTB-L-046130-25-RV

In the matter of: BASEMENT, 479 SIXTH ST
COLLINGWOOD ON L9Y1Z8

Between: Sam Evans Landlord

And

Craig Fawcett Tenant

Review Order

Sam Evans (the 'Landlord') applied for an order to terminate the tenancy and evict Craig Fawcett (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was resolved by order LTB-L-046130-25 issued on August 22, 2025.

On September 23, 2025 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On September 23, 2025 interim order LTB-L-046130-25-RV-IN was issued, staying the order issued on August 22, 2025.

This application was heard by videoconference on October 14, 2025.

The Landlord, the Tenant, and the Tenant's legal representative, Susanne Cooper, attended the hearing.

Determinations:

Request to Review

1. The Tenant says they were not reasonably able to participate in the original hearing because they were initially unable to login to the Zoom

videoconferencing platform, and when they logged in at 9:22 they were advised the hearing had been completed.

2. The hearing docket and the original order confirm that someone logged in on behalf of the Tenant at 9:22 a.m. but the hearing had been completed and the Landlord was no longer present.
3. Parties should always strive to log in at the recommended time in (generally 30 minutes in advance of the hearing block). However, it is the Board's general practice to wait 30 minutes after the scheduled start of a hearing block to dismiss parties on uncontested matters to avoid as much as possible situations such as this one where technical difficulties or other unexpected circumstances may delay a party.
4. As the Tenant attended the hearing room within 30 minutes of the scheduled start time, I am satisfied that they intended to participate in the hearing and took reasonable steps to do so.
5. The request to review is granted. As a result, order LTB-L-046130-25 issued on August 22, 2025 was cancelled, and a new hearing was held to consider the merits of the original application.

Merits of the Original Application

6. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4). The Tenant 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.
7. As of the hearing date, the Tenant was still in possession of the rental unit.
8. The lawful rent is \$1,800.00. It is due on the 1st day of each month.
9. The Tenant has paid \$7,700.00 to the Landlord since the application was filed.
10. The rent arrears owing to October 31, 2025 are \$1,300.00.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
12. Accordingly, the total amount the Tenant owes the Landlord is \$1,486.00.
13. 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.
14. After realizing they were having difficulties keeping track of everything on their own, the Tenant arranged for their support programs to send money to the Landlord directly for rent.

15. The Tenant has been making good faith efforts to reduce the arrears by paying an extra \$100 per month for the last six months, leaving only \$108.00 for all expenses other than rent. This is an extremely tight budget which would normally not be considered viable – however the Tenant has stuck with it for six months. Although the Tenant suggests increasing the monthly arrears payments, this is not realistic in my view.
16. The Landlord's concerns regarding rental income are based on the other rental unit in the residential complex being empty, which they attribute to the Tenant's behaviour. Those allegations are not properly before the Board and are not considered in this application. If the Tenant pays the ongoing rent and continues to pay an extra \$100.00 per month towards the arrears the Landlord will not suffer significant financial prejudice as a result of the proposed payment plan.

It is ordered that:

1. The request to review order LTB-L-046130-25 issued on August 22, 2025 is granted.
2. Order LTB-L-046130-25 issued on August 22, 2025 is cancelled and replaced by the following:
3. The Tenant shall pay to the Landlord \$1,486.00 for arrears of rent up to October 31, 2025 and costs.
4. The Tenant shall pay to the Landlord the amount set out in paragraph 3 in accordance with the following schedule:

On or before January 31, 2026	\$300.00
On the first of each month from February 1, 2026 to November 1, 2026	\$100.00
December 1, 2026	\$86.00 (filing fee)

5. By January 31, 2026 the Tenant shall also pay to the Landlord any rent which became due after October 31, 2025 and has not yet been paid.
6. The Tenant 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 December 1, 2026, or until the arrears are paid in full, whichever date is earliest.
7. 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 October 31, 2025.

January 16, 2026

Date Issued

Dawn Carr

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.