



Order under Section 69 Residential Tenancies Act, 2006

Citation: Folkes v Johnson, 2026 ONLTB 4002

Date: 2026-01-23

File Number: LTB-L-085070-25

In the matter of: 2, 388 ST. RAPHAEL ST
SUDBURY ON P3B1M4

Between: Ian Folkes Landlord
Stephanie Lyon Folkes

And

Myles Johnson Tenant
Cory Johnson
Aimee Bouthillier
Kanzie Johnson

Ian Folkes and Stephanie Lyon Folkes (the 'Landlords') applied for an order to terminate the tenancy and evict Myles Johnson, Cory Johnson, Aimee Bouthillier and Kanzie Johnson (the 'Tenant') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 6, 2026.

The Landlord and the Landlord's representative, Kelly Hawkes, attended the hearing. Tenants Aimee Bouthillier and Cory Johnson also attended the hearing. They were unrepresented.

Determinations:

1. The Landlord amended their application by removing Kanzie and Myles Johnson because they are minors.
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 \$1,995.00. It is due on the first day of each month.

5. Based on the Monthly rent, the daily rent/compensation is \$65.59. This amount is calculated as follows: \$1,995.00 x 12, divided by 365 days.
6. The Tenant has paid \$2,300.00 to the Landlord since the application was filed.
7. The rent arrears owing to January 31, 2026 are \$16,494.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,900.00 from the Tenant 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. The interest that has accrued on the deposit is \$168.56 and this will be credited toward the Tenants.
10. 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 postpone the eviction until February 28, 2026, pursuant to subsection 83(1)(b) of the Act, at the Landlord's suggestion.
11. The Tenants disclosed that they had lost their ODSP status as a result of a medical review; however, they anticipate it will be reinstated soon. They are also expecting a change in financial circumstances.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$14,380.00 if the payment is made on or before February 15, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$16,375.00 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may 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 February 28, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 1, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$10,878.54. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are

deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.

6. The Tenant shall also pay the Landlord compensation of \$65.59 per day for the use of the unit starting March 1, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before February 3, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 4, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 1, 2026, then starting March 2, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 March 2, 2026.

January 23, 2026
Date Issued

Vanessa Davies
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 4, 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	\$16,494.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,300.00
Total the Tenant must pay to continue the tenancy	\$14,380.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before February 3, 2026

Rent Owing To February 28, 2026	\$18,489.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,300.00
Total the Tenant must pay to continue the tenancy	\$16,375.00

C. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$14,892.54
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,300.00
Less the amount of the last month's rent deposit	- \$1,900.00
Less the amount of the interest on the rent deposit	-\$168.56
Total amount owing to the Landlord	\$10,709.54
Plus daily compensation owing for each day of occupation starting January 7, 2026	\$65.59 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	