



Order under Section 69 Residential Tenancies Act, 2006

Citation: 70 Mornelle Apts. Ltd. v Patel, 2026 ONLTB 4098

Date: 2026-01-20

File Number: LTB-L-071023-25

In the matter of: 1106, 70 MORNELLE CRT
SCARBOROUGH ON M1E4S8

Between: 70 Mornelle Apts Ltd. Landlord

And

Simran Patel Tenant
Bhumika Patel

70 Mornelle Apts. Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Simran Patel and Bhumika Patel (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord's representative, Howard Levanson, and Tenant Simran Patel attended the hearing. Ms. Patel was self-represented and spoke on behalf of both Tenants.

Determinations:

1. The Landlord served the Tenants 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.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,470.87. It is due on the day of each month. The Tenants disagreed with the rent and argued it was an above-guideline rent increase and that the Landlord filed the application prior to incurring arrears. However, they did not file a T1 and provided no evidence to dispute it. The Landlord filed the application August 26, 2025, and the arrears period on the application was from July 1, 2025-August 31, 2025, therefore the application was filed with arrears owing. The rent arrears continued to accrue from

September 2025-January 2026. The Landlord indicated that the rent had not increased since the application was filed. The Board therefore finds that the lawful rent is \$1,470.87.

4. Based on the Monthly rent, the daily rent/compensation is \$48.36. This amount is calculated as follows: \$1,470.87 x 12, divided by 365 days.
5. The Tenants have paid \$7,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2026 are \$5,729.56.
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 \$1,470.87 from the Tenant and this deposit is still being held. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated. Interest was last paid on August 30, 2025. The interest that has accrued to the date of the hearing is \$13.08.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including that the Tenants have paid a significant amount of the arrears and are currently students and working part-time, and find that it would not be unfair to postpone eviction until February 15, 2026, pursuant to subsection 83(1) of the Act.

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:**
 - \$1,810.79 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant 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 February 1, 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 February 16, 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 \$840.79. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$48.36 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 February 16, 2026, then starting February 17, 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 17, 2026.

January 20, 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 8, 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	\$8,624.79
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,000.00
Total the Tenant must pay to continue the tenancy	\$1,810.79

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before February 7, 2026

Rent Owing To February 28, 2026	\$10,095.66
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,000.00
Total the Tenant must pay to continue the tenancy	\$3,281.66

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

Rent Owing To Hearing Date	\$7,444.08
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$7,000.00
Less the amount of the last month's rent deposit	- \$1,470.87
Less the amount of the interest on the last month's rent deposit	-\$13.08
Total amount owing to the Landlord	-\$853.87
Plus daily compensation owing for each day of occupation starting January 7, 2026	\$48.36 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	

