



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-090585-25

In the matter of: 40 STIRTON ST
HAMILTON ON L8L6E8

Between: Ryan Mazzuca Landlord
Alexandra Diggins

And

Holly Wierzbicki Tenant

Ryan Mazzuca and Alexandra Diggins (the 'Landlords') applied for an order to terminate the tenancy and evict Holly Wierzbicki (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes.

The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

The application was scheduled to be heard on January 13, 2026, by video conference, at which time the parties decided to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer/Hearings Officer, Michelle Forrester.

The Landlord's Agent, Amanda Nesbit, the Landlord and the Tenant, Chris White, were present. Chris White represented Christine White in mediation and did not speak to Duty Counsel.

As a result of the mediation the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent and I am satisfied that the parties understand the consequences of their consent.

Agreed facts:

The Landlord served the Tenant with a 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.

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The lawful rent is \$1,373.83. It is due on the 1st day of each month.

3. Based on the Monthly rent, the daily rent/compensation is \$45.17. This amount is calculated as follows: $\$1,373.83 \times 12$, divided by 365 days.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears owing to January 31, 2026, are \$7,490.08.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,200.00 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.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 1, 2026.
2. The Tenant shall pay the Landlords the rental arrears up to and including January 31, 2026, and the filing fee in the amount of \$7,676.08.
3. The Landlords shall apply the rent deposit it is holding to the Tenant's rent for July 2026, which is the last month of the tenancy. After the last month's rent deposit is applied, the Tenant will owe the Landlords \$173.83.
4. The Tenant shall also pay the Landlords compensation of \$45.17 per day for the use of the unit starting February 1, 2026, to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlords the full amount owing on or before August 1, 2026, the Tenant will start to owe interest. This will be simple interest calculated from August 2, 2026, at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 1, 2026, then starting August 2, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 August 2, 2026.

Additional conditions

8. The Tenant shall make the following payments to the Landlords towards arrears owing and monthly rent:
 - a) The Tenant shall pay the Landlords the lawful monthly rent in full and on time starting February 1, 2026 and up to and including June 1, 2026 inclusive.
 - b) The Tenant shall pay the Landlords a reduced amount of rent on July 1, 2026, in the amount of \$173.83.

- c) The Tenant shall pay the Landlords \$200.00 towards the arrears of rent on the 20th day of each month starting February 20, 2026, up to and including July 20, 2026, inclusive.
9. If the Tenant fails to make any of the payments under paragraph 8 above in full, the Landlords may collect the entire outstanding balance from the amount set out in paragraph 2 above immediately.
10. If the Tenants fails to make any of the payments in accordance with paragraph 8 above, and by the dates required, the Landlords may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 5 of this order. The Landlords must make the application within 30 days of a breach of a condition set out in paragraph 8 of this order. This may result in the Board issuing an order that terminates the tenancy before August 1, 2026.
11. If the Tenants make the payments as indicated in paragraph 8(c) above, these payments shall reduce the amount required to void the order as set out in paragraph 2 above accordingly.

January 21, 2026
Date Issued

Michelle Forrester
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 of the Tenant expires on February 2, 2027, 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.

