



Order under Section 69 Residential Tenancies Act, 2006

Citation: Azevedo v Cowie, 2026 ONLTB 7434

Date: 2026-01-27

File Number: LTB-L-089614-25

In the matter of: Basement, 265 ELGIN ST
LONDON ON N5Z2V2

Between: Antonio Azevedo Landlords
Josefina Azevedo

And

John Victor Cowie Tenants
Susan "Sue" Cirtwill

Antonio Azevedo and Josefina Azevedo (the 'Landlords') applied for an order to terminate the tenancy and evict John Victor Cowie and Susan "Sue" Cirtwill (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on January 19, 2026.

The Landlord, Josefina Azevedo, the Landlords' agent (daughter), Joana Azevedo, the Landlord's representative, Carmen Dawdy, and the Tenants attended the hearing.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 was still in possession of the rental unit.
3. The lawful rent is \$1,550.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$50.96. This amount is calculated as follows: \$1,550.00 x 12, divided by 365 days.
5. The Tenants has not made any payments since the application was filed.
6. The rent arrears owing to January 31, 2026 are \$9,300.00. The Tenants disputed this amount.

7. While the Tenants started to raise s.82 issues (i.e. illegal basement apartment, harassment), the Tenant, Susan Cirtwill ('SC') admitted that the Tenants had not served and filed a list of issues the Tenants intended to raise at the hearing. Given that the tenancy commenced in or around April 26, 2025, the Tenants are not barred from filing their own applications against the Landlord, I exercised my discretion to refuse to hear s.82 issues, given that those issues were not properly before me.
8. I am satisfied that the rent arrears owing to January 31, 2026 are \$9,300.00.
9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlords collected a rent deposit of \$1,550.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
11. Interest on the rent deposit, in the amount of \$23.99 is owing to the Tenants for the period from April 26, 2025 to January 19, 2026.

Relief from eviction

12. The Tenant, Susan Cirtwill ('SC') testified that the Tenants are 67 and 68 years old and both suffer from various health issues. She stated that the Tenants combined monthly income (OAP and CPP) is \$1,800.00.
13. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlords attempted to negotiate a repayment agreement with the Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. SC admitted that the Tenants have paid nothing to the Landlord for rent after receiving the N4 notice nor do they intend to pay the rent arrears. In light of same, preserving this tenancy would be extremely prejudicial to the Landlords.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated unless the Tenants voids this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$9,486.00 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$11,036.00 if the payment is made on or before February 7, 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 Tenants has paid the full amount owing as ordered plus any additional rent that became due after February 7, 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 February 7, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$7,330.25. 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 Landlords owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlords compensation of \$50.96 per day for the use of the unit starting January 20, 2026 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before February 7, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 8, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 7, 2026, then starting February 8, 2026, the Landlords 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 Landlords on or after February 8, 2026.

January 27, 2026
Date Issued

Karen Gonçalves
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 Tenants 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	\$9,300.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$9,486.00

B. Amount the Tenants 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	\$10,850.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$11,036.00

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

Rent Owing To Hearing Date	\$8,718.24
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,550.00
Less the amount of the interest on the last month's rent deposit	- \$23.99
Total amount owing to the Landlords	\$7,330.25
Plus daily compensation owing for each day of occupation starting January 20, 2026	\$50.96 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	