



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-098486-25

In the matter of: Basement, 27 Yore Road
York ON M6M1W6

Between: DANIEL KRAUS Landlord

And

Tajay Hamm Tenant

DANIEL KRAUS (the 'Landlord') applied for an order to terminate the tenancy and evict Tajay Hamm (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was scheduled to be heard by video conference on January 19, 2026. The Landlord and the Tenant were present. Prior to the hearing, the parties elected to participate in LTB facilitated mediation with the assistance of Helen Giannini, a Dispute Resolution Officer and Hearing Officer, with the Landlord and Tenant Board. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

The Parties agreed:

- a. 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.
- b. As of the hearing date, the Tenant was still in possession of the rental unit.
- c. This order is a non-voidable termination of this tenancy based on the parties' mutual agreement to terminate the tenancy by January 31, 2026.
- d. The lawful rent is \$1,700.00. The rent is due on the 1st day of each month.
- e. Based on the Monthly rent, the daily rent/compensation is \$55.89. This amount is calculated as follows: \$1,700.00 x 12, divided by 365 days.
- f. The rent arrears owing by the Tenant up to and including January 31, 2026, including the \$186.00 application filing fee are \$4,830.05.

- g. The Landlord collected a rent deposit of \$1,700.00 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. As the tenancy is ending, the deposit and interest on the deposit is deducted from the rent arrears. As a result, the rent arrears due are \$3,070.26 (see Schedule 1).
- h. The Tenant will pay the rent arrears by April 1, 2026.

It is ordered on consent that:

- 1. The Tenant shall pay to the Landlord \$3,070.26 for arrears of rent up to January 31, 2026, including the application filing fee, less the deposit and interest due on the deposit.
- 2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must vacate the unit no later than January 31, 2026.
- 3. If the Tenant does not pay the Landlord the full amount owing on or before April 1, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 2, 2026, at 4.00% annually on the balance outstanding.
- 4. If the unit is not vacated on or before January 31, 2026, then starting February 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 5. The Tenant shall also pay the Landlord compensation of \$55.89 per day for the use of the unit starting February 1, 2026, until the date the Tenant moves out of the unit.
- 6. 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 1, 2026.

January 28, 2026
Date Issued

Helen Giannini
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 expires on August 1, 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 when the tenancy is terminated

Rent Owing To January 31, 2026	\$4,644.05
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,700.00
Less the interest on the last month's rent deposit	-\$59.79
Total amount owing to the Landlord	\$3,070.26
Plus daily compensation owing for each day of occupation starting February 2, 2026	\$55.89 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	