



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-095357-25

In the matter of: 2, 94 Barnesdale Blvd
Hamilton ON L8M2V6

Between: Toby Markowitz
Donna Markowitz

Landlords

and

Irene Major

Tenant

Toby Markowitz and Donna Markowitz (the 'Landlords') applied for an order to terminate the tenancy and evict Irene Major (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 21, 2026.

Only the Landlords' Legal Representative, Mike Andrews, attended the hearing.

As of 1:42pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

Preliminary Issue – Rent Increase

1. The Landlord's Legal Representative submitted that the rent had increased to \$881.31, effective January 1, 2026. I pointed out that the increase is more than the allowable guideline amount of 2.1% pursuant to section 120(1) of the *Residential Tenancies Act, 2006* (the 'Act').
2. The Landlord's Legal Representative confirmed that the Landlord must have rounded up instead of down when issuing the rent increase. There was no evidence submitted that the rental unit is exempt pursuant to section 6.1(2) of the Act or that the Board has not issued an order approving an above guideline rent increase. Therefore, I find that the lawful monthly rent is \$863.18.

Rent Arrears

3. The Landlords 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.

4. The Tenant was in possession of the rental unit on the date the application was filed.
5. The Tenant vacated the rental unit on January 21, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit
6. The lawful rent is \$863.18. It was due on the 1st day of each month.
7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to January 21, 2026 are \$3,230.96.
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 \$775.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
11. Interest on the rent deposit, in the amount of \$90.85 is owing to the Tenant for the period from September 1, 2019 to January 21, 2026.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated as of January 21, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlords \$2,551.11. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlords the full amount owing on or before February 9, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 10, 2026 at 4.00% annually on the balance outstanding.

January 29, 2026
Date Issued

Candace Aboussafy
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing to Move Out Date	\$3,230.96
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$775.00
Less the amount of the interest on the last month's rent deposit	- \$90.85
Total amount owing to the Landlords	\$2,551.11