



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

File Number: LTB-L-104872-25

In the matter of: 307, 2194 KING ST E
HAMILTON ON L8K1W6

Between: DRAKE PROPERTY MANAGEMENT Landlord

And

MICHAEL SENDECKI Tenant

DRAKE PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict MICHAEL SENDECKI (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

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

This application was heard by videoconference on January 27, 2026.

Only the Landlord's legal representative, Sabrina Marchionne, a licensed paralegal, attended the hearing.

As of 11:49 a.m., 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. However, I find that it would not be unfair to grant relief from eviction. Therefore, I have granted the conditional order set out below.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On November 28, 2025, the Landlord gave the Tenant an N8 notice of termination effective January 31, 2026. The notice of termination contains the following allegation: the Tenant has been late in the payment of rent 11 of 11 months in the period January 2025 to November 2025.

4. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent in January 2025 was paid on January 6 and February 3; the rent in February was paid on February 3 and March 10; the rent in March was paid on March 10 and April 11; the rent in April was paid on April 11 and May 12; the rent in May was paid on May 12 and June 6; the rent in June was paid on June 6 and July 8; the rent in July was paid on July 8 and August 1; the rent in August was paid on August 1 and September 5; the rent in September was paid on September 5 and October 10; the rent in October was paid on October 10 and November 7; and November rent was partially paid on November 7.
5. The Tenant is currently in arrears of rent \$343.54 to the end of January, 2026.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
8. Undoubtedly the Tenant has been persistently late in the payment of rent; however, the pattern of late payments indicates a desire to pay rent and suggests that the Tenant is either receiving payroll payments or government assistance payments in this pattern.
9. The Landlord's agent argued that it is not appropriate to speculate on the reason for the late payments because the Tenant has not responded to communications from the Landlord asking the Tenant to make timely payments of rent. She further argued that the Tenant has not attended the hearing to explain their circumstances.
10. This tenancy commenced in October of 2020. The Tenant has shown a desire to maintain the tenancy by making all rent payments albeit late. I have exercised my discretion to allow the Tenant one final opportunity to maintain the tenancy.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay February rent in full on or before February 15, 2026.
3. The Tenant shall pay their lawful monthly rent by the 1st day of each month beginning March 1, 2026 until August 1, 2027.
4. If the Tenant fails to comply with the conditions set out in paragraphs 2 and 3 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
5. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

6. The total amount the Tenant must pay the Landlord is \$186.00.
7. If the Tenant does not pay the Landlord the full amount owing on or before February 13, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 14, 2026 at 4.00% annually on the balance outstanding.

February 2, 2026
Date Issued

Christina Budweth
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.