



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-097352-25

In the matter of: Unit 1, 727 FREDERICK ST
KITCHENER ON N2B 2B3

Between: Mickilina Falcetta-Malcolm Landlord

and

Diane Bettke Tenant

Mickilina Falcetta-Malcolm (the 'Landlord') applied for an order to terminate the tenancy and evict Diane Bettke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The parties attended a hearing scheduled on January 28, 2026 by videoconference.

The Landlords Mickilina Falcetta-Malcolm and Walter Malcolm, the Tenant, and Tenant Representative Veronica J. Munoz engaged in private settlement discussions. Parties reached an agreement. At the meeting with Dispute Resolution Officer (DRO) Denise Hannivan, the parties then engaged in mediation.

As a result of the mediation, the parties requested an order on consent to resolve this application, and I am satisfied that the parties understand the consequences of their consent, including waiving their right to a hearing on this application.

Agreed Facts:

- 1) The current rent increased to \$695.00 on January 1, 2026. It is due on the 1st day of each month.
- 2) Based on the Monthly rent, the daily rent/compensation is \$22.85. This amount is calculated as follows: \$695.00 x 12 months, divided by 365 days.
- 3) The Tenant has paid \$1,376.00 to the Landlord since the application was filed.
- 4) The rent arrears owing to January 31, 2026 are \$95.00.
- 5) The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Last Month Rent Deposit

- 6) The Landlord collected a rent deposit of \$595.00 from the Tenant on August 2, 2005. 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.
- 7) Interest on the rent deposit in the amount of \$252.04 is owing to the Tenant for the period August 2, 2005 to January 28, 2026.
- 8) At the mediation, the Landlord agreed to apply \$100.00 of the interest owed to the last month rent deposit. As of January 29, 2026, the rent deposit amount is \$695.00
- 9) The Landlord shall pay to the Tenant the remaining interest in the amount of \$152.04 on or before February 13, 2026.

It is ordered on consent of the parties that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$281.00 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.
 - \$976.00 if the payment is made on or before February 13, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after February 13, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before February 13, 2026.**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$469.20. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$22.85 per day for compensation for the use of the unit starting January 29, 2026 until the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before February 13, 2026, then starting February 14, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

8. 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 14, 2026.
9. This order is in full and final settlement of this application.

February 2, 2026
Date Issued

Denise Hannivan
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 14, 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 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	\$1,471.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,376.00
Total the Tenant must pay to continue the tenancy	\$281.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before February 13, 2026

Rent Owing to February 28, 2026	\$2,166.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,376.00
Total the Tenant must pay to continue the tenancy	\$976.00

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

Rent Owing to Hearing Date	\$1,415.80
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,376.00
Less the amount of the last month's rent deposit	- \$695.00
Total amount owing to the Landlord	\$(469.20)
Plus daily compensation owing for each day of occupation starting January 29, 2026	\$22.85 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	