



**Amended Order under Section 126
Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-081343-25-AM

In the matter of: LOWER, 676 GILCHRIST ST
PETERBOROUGH ON K9H4P3

Between: LYNDA MARTINS Landlord

And

MIKE GAVIAO Tenant
KIM HOUCKLEY

This amended order is issued to correct a clerical error in the original order. The correction has been bolded and underlined for ease of reference.

LYNDA MARTINS (the 'Landlord') applied for an order to terminate the tenancy and evict MIKE GAVIAO and KIM HOUCKLEY (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was heard by videoconference on January 20, 2026.

The Landlord, Lynda Martins, the Landlord Support, Heather Martins, the Landlord's Representatives, Alushe Stafa, the Tenant, Mike Gaviao and Tenant Support, Kristina Thirlwell attended the hearing.

The Tenant met with Tenant Duty Counsel prior to the mediation. The Tenant present confirmed he had the authority to consent on behalf of the Tenant, Kim Houckley who was not present at the hearing.

The parties agreed to participate in mediation. 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 the parties understood the terms and consequences of their consent.

Agreed Facts:

1. The parties agreed to final termination of tenancy for July 31, 2026.

2. The Landlord has compensated the Tenant an amount equal to one month's rent prior to the mediation.
3. The Landlord collected a rent deposit of \$820.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of **\$161.67** is owing to the Tenant for the period from April 1, 2011 to January 20, 2026. Interest is to be paid to the Tenant by July 31, 2026.
4. Based on the monthly rent, the daily compensation is \$26.96. This amount is calculated as follows: \$820.00 x 12, divided by 365 days.
5. The parties agreed the Landlord will grant a rent-free period for May and June 2026.
6. The last month's rent deposit will be applied to July 2026.
7. The parties agreed, the Tenant will pay the lawful monthly rent of \$820.00 for February, March and April 2026.

On consent it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 31, 2026.
2. If the unit is not vacated on or before July 31, 2026, then starting August 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 August 1, 2026.
4. If the unit is not vacated on or before July 31, 2026, then starting August 1, 2026, the Tenant shall pay the Landlord compensation of \$26.96 per day for the use of the unit starting August 1, 2026, until the date the Tenant moves out of the unit.
5. The Tenant shall pay the lawful monthly rent for February 2026, March 2026 and April 2026.
6. The Landlord shall waive the lawful monthly rent for May 2026 and June 2026.
7. The last month's rent deposit is applied to July 2026.
8. The interest on the last month's rent deposit is **\$161.67** and shall be paid to the Tenant on or before July 31, 2026.

January 27, 2026

Date Issued

February 10, 2026

Date Amended

Tanya Speedie

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 of the Tenant expires on February 1, 2027 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.