



Order under Section 69 Residential Tenancies Act, 2006

Citation: BUTLER v KELLINTON, 2026 ONLTB 12727

Date: 2026-02-11

File Number: LTB-L-098695-25

In the matter of: 25 HURON ROAD
MITCHELL ON N0K1N0

Between: MICHAEL BUTLER Landlord

And

TOM KELLINTON Tenants
ANG KELLINTON

MICHAEL BUTLER (the 'Landlord') applied for an order to terminate the tenancy and evict TOM KELLINTON and ANG KELLINTON (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 4, 2026.

The Landlord, the Landlord's Support, Shawn Petrie, and the Tenant, Tom Kellinton, attended the hearing.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$900.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$29.59. This amount is calculated as follows: \$900.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2026 are \$5,400.00.

7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$900.00 from the Tenants 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.
9. Interest on the rent deposit, in the amount of \$278.82 is owing to the Tenants for the period from December 1, 2008 to February 4, 2026.
10. The Tenants do not dispute the arrears owing and apologised for the situation they are in. They have resided in the rental unit since 2008 and have had a good relationship with the Landlord. The Tenants do not wish to maintain the tenancy, but are seeking a delayed eviction unit the end of March to find alternative housing arrangements.
11. The Tenant Tom Kellinton stated the attempted unsuccessfully to start an online business that brought him into financial trouble and led to the arrears. He is currently working although his wife has not worked since 2017 due to spinal stenosis.
12. The Landlord seeks termination of the tenancy as soon as possible as he is a senior living on a fixed income and has expenses associated with the rental unit including a mortgage and insurance. The nonpayment of rent is putting him behind financially.
13. The Tenants have resided in the rental unit for 17 years, and fell on hard times due to a failed business venture. Although a delayed eviction is not ideal for the Landlord the Landlord does hold a last month's rent deposit on behalf of the Tenants to help mitigate any potential prejudice to the Landlord a delayed eviction may cause. Having 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 postpone the eviction until March 31, 2026 pursuant to subsection 83(1)(b) of the Act to provide the Tenants an opportunity to find alternative housing.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$6,501.00 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$7,401.00 if the payment is made on or before March 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent

that became due after March 31, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.

4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before March 31, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$4,540.54. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$29.59 per day for the use of the unit starting February 5, 2026 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before March 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from April 1, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 31, 2026, then starting April 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 April 1, 2026.

February 11, 2026
Date Issued

Sean Ramage
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 28, 2026

Rent Owing to February 28, 2026	\$6,300.00
Application Filing Fee	\$201.00
Total the Tenants must pay to continue the tenancy	\$6,501.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before March 31, 2026

Rent Owing to March 31, 2026	\$7,200.00
Application Filing Fee	\$201.00
Total the Tenants must pay to continue the tenancy	\$7,401.00

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

Rent Owing to Hearing Date	\$5,518.36
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$900.00
Less the amount of the interest on the last month's rent deposit	- \$278.82
Total amount owing to the Landlord	\$4,540.54
Plus, daily compensation owing for each day of occupation starting February 5, 2026	\$29.59 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	