



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kapoor v Cote, 2026 ONLTB 13180

Date: 2026-02-13

File Number: LTB-L-098100-25

In the matter of: 37 DUNSTABLE DR
WHITBY ON L1M2L8

Between: Gautam Kapoor Landlords
Preeti Kapoor

And

Teresa Cote Tenants
Dolan Cote

Gautam Kapoor and Preeti Kapoor (the 'Landlords') applied for an order to terminate the tenancy and evict Teresa Cote and Dolan Cote (the 'Tenants') because the Tenants did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 2, 2026.

The Landlord, G. Kapoor, the Landlord's legal representative, K. Hawkes, and the Tenants attended the hearing. The Tenants were assisted by a support worker, K. Chhatwal.

Determinations:

1. The Landlords 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 \$2,810.43. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$92.40. This amount is calculated as follows: \$2,810.43 x 12, divided by 365 days.
5. The Tenants have paid \$8,589.32 to the Landlords since the application was filed.

6. The rent arrears owing to February 28, 2026 are \$2,652.40.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. The Landlords are seeking a standard termination order. The Landlords submit that the Tenants also owe over \$1,000.00 in past due water bills.
10. The Tenants are a couple on CPP, OAS and pension, totalling about \$4,000.00 per month. They have lived in the rental unit for about six years. The Tenant, D. Cote (DC) said that he has a car that costs about \$440.00 per month for car payments, and \$120.00 per month insurance. DC said that the Tenants have no other debt, and they frequently go to the food bank for groceries. The Tenants live with their adult children, a daughter and a son. Neither of the children are working. They each receive approximately \$800.00 per month in OW income.
11. DC said that he has not worked at all since the summer, while he has been waiting for surgery. He proposed a repayment plan of about \$100.00 per month and he said he will find a part-time job. He also said that the Tenants have both applied for a government programme that will yield them each about \$400.00 extra per month. DC said that the Tenants have been working on their finances with the John Howard Society for about a year.

Reasons and Analysis:

12. I find that the Tenants proposed payment plan is not likely to succeed for the reasons that follow. Although the Tenants have a very limited income, and their expenses seem to exceed their income, they have kept up to date with rent payments until November 2025. The Tenants said that they fell behind because of an obligation to repay compensation they received. There is evidence that the Tenants were ordered to reimburse the Landlords a compensation payment when the Landlords' L2 application, LTB-L-049613-25 was dismissed on October 21, 2025. The documentary evidence is that the Tenants have been approximately one month behind in paying the rent after that period. Their rent payments, since that time, have always come at the end of the month. In fact, they made a payment to the Landlords for January 2026 rent on January 31, 2026, only a few days before the hearing. The amount of the arrears currently, at the beginning of February 2026, are about equal to one month of rent.
13. Because of the Tenants' limited income at the moment, and the fact that they are a month behind, there is little prospect that they will be able to pay the rent in full and on time going forward on the same income, let alone an extra \$100.00 per month, even if the Tenants manage to get \$800.00 extra per month through the government programme. They also owe about \$1,000.00 in water bills, that they will have to find the funds to pay. However, if the termination date is extended, the Tenants will have an opportunity to find an outside

source to help them pay the arrears and any bills in full, void the order, and restore their tenancy.

14. I have considered all of the disclosed circumstances above in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and I find that it would not be unfair to postpone the eviction until March 31, 2026 pursuant to subsection 83(1)(b) of the Act. This period will provide them an opportunity to either obtain assistance in paying off the arrears and voiding the order, or it will give them more time to find an alternative place to live on their limited income.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
 - \$2,838.40 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$5,648.83 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 \$212.77. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
 6. The Tenants shall also pay the Landlords compensation of \$92.40 per day for the use of the unit starting February 3, 2026 until the date the Tenant moves out of the unit.
 7. If the Tenants do not pay the Landlords 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 Landlords 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 Landlords on or after April 1, 2026.

February 13, 2026

Date Issued

Nancy Morris

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	\$11,241.72
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$8,589.32
Total the Tenants must pay to continue the tenancy	\$2,838.40

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	\$14,052.15
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$8,589.32
Total the Tenants must pay to continue the tenancy	\$5,648.83

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

Rent Owing To Hearing Date	\$8,616.09
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$8,589.32
Total amount owing to the Landlords	\$212.77
Plus daily compensation owing for each day of occupation starting February 3, 2026	\$92.40 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	