



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

**File Number:** LTB-L-097082-25

**In the matter of:** 410, 9 Chestnut St.  
Port Colborne ON L3K0C2

**Between:** Donna Rose  
Port Cares Chestnut Street Apartments

Landlords

**And**

Tiffany Fuller

Tenant

Donna Rose and Port Cares Chestnut Street Apartments (the 'Landlords') applied for an order to terminate the tenancy and evict Tiffany Fuller (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 3, 2026.

Only the Landlord, Donna Rose, and the Landlord's representative, Judith Callender, attended the hearing.

As of 9:27 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 Landlords' evidence.

### **Determinations:**

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$797.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$26.20. This amount is calculated as follows: \$797.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2026, are \$5,514.00.

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.

Relief from Eviction

9. The Landlord requested a standard, 11 day order for termination and eviction unless the Tenant voids this Order in the prescribed time. The Landlord's representative indicated she had a conversation with the Tenant who said she will vacate, but she is still in possession of the keys. The Landlord also thinks she is allowing other people to occupy the unit because most of her stuff is gone. When the Landlord served the Tenant the update sheet a week before the hearing, the Tenant informed staff that she would be moving out at the end of February 2026. The Landlord also indicated that staff had made attempts to email the Tenant in the last two weeks to discuss a payment plan prior to the hearing.
10. As the Tenant was absent from the hearing, I have limited evidence before me on which to consider delaying or denying eviction. I accept the statements that she intends to move out of the rental unit. I note that she has not made any good faith payments toward the arrears since the application was filed. The Landlord informed me that the Tenant receives welfare, lives alone and speculates that she might be collecting money from occupants. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlords attempted to negotiate a repayment agreement with the Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
  - \$5,700.00 if the payment is made on or before February 20, 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 20, 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 20, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$4,981.60. 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 Tenant shall also pay the Landlords compensation of \$26.20 per day for the use of the unit starting February 4, 2026, until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before February 20, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 21, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 20, 2026, then starting February 21, 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 February 21, 2026.

**February 9, 2026**  
**Date Issued**

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Vanessa Davies  
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 August 21, 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 February 20, 2026**

|                                                          |                   |
|----------------------------------------------------------|-------------------|
| Rent Owing To February 28, 2026                          | \$5,514.00        |
| Application Filing Fee                                   | \$186.00          |
| <b>Total the Tenant must pay to continue the tenancy</b> | <b>\$5,700.00</b> |

**B. Amount the Tenant must pay if the tenancy is terminated**

|                                                                                                                     |                      |
|---------------------------------------------------------------------------------------------------------------------|----------------------|
| Rent Owing To Hearing Date                                                                                          | \$4,795.60           |
| Application Filing Fee                                                                                              | \$186.00             |
| <b>Total amount owing to the Landlords</b>                                                                          | <b>\$4,981.60</b>    |
| Plus, daily compensation owing for each day of occupation starting February 4, 2026                                 | \$26.20<br>(per day) |
| **Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00. |                      |