



Order under Section 69 Residential Tenancies Act, 2006

Citation: Cicchetti v Bouchard, 2026 ONLTB 15077

Date: 2026-02-20

File Number: LTB-L-108719-25

In the matter of: 1237 FENNELL AVE E
HAMILTON ON L8T1T3

Between: Nicola Cicchetti Landlord

And

Gordon Martin Bouchard Tenant

Nicola Cicchetti (the 'Landlord') applied for an order to terminate the tenancy and evict Gordon Martin Bouchard and Storm McCabe (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on February 9, 2026.

The Landlord's Legal Representative, Lida Habibi Rezael, the Landlord and the Tenant attended the hearing. The Tenant confirmed that Storm McCabe had not resided in the rental unit for several years and as such that name will be removed from the application.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, an order imposing conditions for the next 12 months shall issue allowing the Tenant to preserve their tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On December 5, 2025, the Landlord gave the Tenant an N8 notice of termination deemed served on the same date. The notice of termination alleged that the Tenant persistently paid the rent late for 12 months in 2024 and 12 months in 2025.
4. The Landlord's Legal Representative submitted that the Tenant paid the rent on time on January 1, 2026 and on February 1, 2026.
5. The Tenant stated that he has recently switched his job to a higher paying job which provides more stability for his children who reside with him 50% of the time. He stated that

with the higher income, he will be able to pay his rent on time and in full. The Tenant is seeking a conditional order so that he is able to preserve his tenancy.

6. The Landlord's Legal Representative submitted that the rent was increased on January 1, 2026 and that the regular monthly rent is now \$2,009.00. The Landlord's Legal Representative is seeking a termination order.

Analysis

7. On the basis of the evidence before me, I find that the Tenant has persistently failed to pay the rent on the date that it was due.
8. The Tenant has explained to me the reasons behind the late rent payments and he did in fact pay January and February's rent on time.
9. Eviction should be ordered as a last resort. Based on the above facts, I am choosing to order a conditional order under section 78 of the *Residential Tenancies Act, 2006* (hereinafter referred to as the "Act") which will ensure that the Landlord receives her rent in full and on time and the Tenant will be able to preserve his tenancy.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the Landlord monthly rent owing on or before the first day of each month commencing March 1, 2026 and continuing thereafter until and including February 28, 2027.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Act*, for an order terminating the tenancy and evicting the Tenants. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the Board without notice to the Tenant.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application by February 28, 2026.

5. If the Tenant fails to make the payment owing under paragraph 4, and by the date required, the balance owing under paragraph 4 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the *Act*.

February 20, 2026
Date Issued

Carrie Bertrand
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.