



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

File Number: LTB-L-093187-25

In the matter of: 04, 194 FELAN AVE
OAKVILLE ON L6K2X5

Between: Lisman Investments Landlord

And

Duane Walker Tenants
Ashley Kuiper

Lisman Investments (the 'Landlord') applied for an order to terminate the tenancy and evict Duane Walker and Ashley Kuiper (the 'Tenants') because the Tenants did not pay the rent that the Tenants' owe.

The hearing was held by videoconference on January 19, 2026, and concluded on February 20, 2026.

The Tenants and Landlord attended on January 19, 2026 but on February 20, 2026 only the Landlord's Representative, Marshall Yarmus, and the Landlord's Agent, Lawrence Liscio, attended the hearing. As of 11:01 a.m. on February 20, 2026, the Tenants were 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 Landlord's evidence.

Interim order LTB-L-093187-25-IN was issued on January 22, 2026.

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 \$1,973.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$64.87. This amount is calculated as follows: \$1,973.00 x 12, divided by 365 days.
5. The Tenants have paid \$8.33 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2026 are \$11,702.67.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,973.00 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 \$5.79 is owing to the Tenants for the period from January 1, 2026 to February 20, 2026.
10. The Landlord sought termination of the tenancy due to the amount of the rental arrears. The Landlord was unaware of any circumstances of the Tenants and the Tenants were not present to submit their circumstances for the Board to consider that may cause the Board to delay or deny the eviction.
11. I have 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
12. The Tenant's oral evidence with respect to her medical condition was considered. It was also the basis for the adjournment and the interim order that was issued on January 22, 2026.

Costs against the Tenants

13. The adjournment was granted on January 20, 2026 based on the Tenant's request for additional time to provide submissions under section 82 of the Act. The Tenant was directed to provide disclosure by January 31, 2026 and pay the Landlord February rent on February 1, 2026. The Tenant understood and agreed to comply with my oral ruling which was followed up by an interim order issued January 22, 2026. The Tenants did not submit their disclosure nor did the Tenants attend the hearing. I find on balance of probabilities, that the Tenant abused the process having unnecessarily delayed the proceedings. I considered the Landlord's request for costs for having wasted their time and resources, which I find reasonable.
14. Pursuant to the Board's *Interpretation Guideline 3*, costs are only awarded when a party acts unreasonably in the proceedings or if their conduct is unreasonable and causes undue expense or delay. A party's actions will be considered unreasonable if they cause undue expense or delay.
15. In accordance with Rule 23.2 of the Board's Rules of Procedure, which states that costs should be awarded in the amount of up to \$100.00 per hour for attendance and preparation time, I find that the Landlord are entitled to costs in the amount of \$200.00.

This amount includes \$100.00 for the time of hearing and \$100.00 for preparation for this matter.

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:**

- \$11,888.67 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$13,861.67 if the payment is made on or before March 9, 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 9, 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 9, 2026.**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$9,234.28. 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 \$64.87 per day for the use of the unit starting February 21, 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 9, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 10, 2026 at 4.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before March 9, 2026, then starting March 10, 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 March 10, 2026.

Costs:

10. On or before March 9, 2026, the Tenants shall pay to the Landlord \$200.00 in costs.

11. If the Tenants do not pay the Landlord the full amount owing on or before March 9, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 10, 2026 at 4.00% annually on the balance outstanding.

February 26, 2026
Date Issued

Colette Myers
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 September 10, 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 28, 2026

Rent Owing To February 28, 2026	\$11,711.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8.33
Total the Tenant must pay to continue the tenancy	\$11,888.67

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 9, 2026

Rent Owing To March 31, 2026	\$13,684.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8.33
Total the Tenant must pay to continue the tenancy	\$13,861.67

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

Rent Owing To Hearing Date	\$11,035.40
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8.33
Less the amount of the last month's rent deposit	- \$1,973.00
Less the amount of the interest on the last month's rent deposit	- \$5.79
Costs	\$200.00
Total amount owing to the Landlord	\$9,434.28
Plus daily compensation owing for each day of occupation starting February 21, 2026	\$64.87 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	