



Order under Section 69 Residential Tenancies Act, 2006

Citation: 977283 Ontario Limited v Swartz, 2026 ONLTB 16455

Date: 2026-02-24

File Number: LTB-L-103483-25

In the matter of: 142 KENWOOD Avenue
YORK ON M6C2S3

Between: 977283 Ontario Limited Landlord
Ralph Palmisano

And

Jeffrey Swartz Tenants
Sydney Swartz
Hannah Swartz
Sarah Swartz

977283 Ontario Limited and Ralph Palmisano (the 'Landlords') applied for an order to terminate the tenancy and evict Jeffrey Swartz, Sydney Swartz, Hannah Swartz, and Sarah Swartz (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on February 17, 2026.

The Landlord, Ralph Palmisano and the Landlord's Agent, Nicole Mueller and the first named Tenant, Jeffrey Swartz attended the hearing.

At the hearing, the Tenant sought an adjournment so that this application can be heard with an application that the Tenants filed. Given the arrears of rent claimed in the application exceed the Board's jurisdiction, I did not feel it was appropriate to adjourn the matter and create any further delay. The Tenants can still have their application heard on another date. I proceeded to hear the Landlords' application on its merits.

Determinations:

1. The Landlords served the Tenants 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 Tenants were still in possession of the rental unit.

3. The lawful rent is \$4,800.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$157.81. This amount is calculated as follows: \$4,800.00 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 \$170,550.00.
7. The rent arrears owing to the Landlord are more than the LTB's monetary jurisdiction. Under subsection 207(1) of the Residential Tenancies Act, 2006 (the 'Act') the LTB may order payment up to \$50,000.00. Proceeding with this application at the LTB extinguishes any rights the Landlords may have to claim the full amount owing at the LTB or a court. The Landlords were made aware of the LTB's monetary jurisdiction and chose to proceed with this application.
8. At the hearing, the Landlords acknowledged the Board's monetary jurisdiction and consented to waiving the balance exceeding said jurisdiction.
9. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
10. There is no last month's rent deposit.
11. The Tenants are being ordered to pay \$50,000.00 for rent arrears, and daily compensation, plus the Landlord's cost of filing the application if the Tenants do not void the order. However, if the Tenants choose to void this order and continue the tenancy, they must pay the full amount of arrears and costs owing to the Landlords.
12. The Landlords were unaware of any circumstances that may require the Board to consider delaying or denying termination of the tenancy and sought the issuance of a standard order.
13. The Tenant did not agree with the arrears of rent being claimed by the Landlords but did not provide any evidence to support that the rent being claimed by the Landlords was inaccurate, and/or failed to account for any payments made by the Tenants.
14. The Tenant attributed falling into arrears because of a stroke that the Tenant suffered which resulted in him having to stop practicing dentistry as a dentist. The Tenant went back to school and graduated with a degree as a dental hygienist and intends on returning to work in the capacity of a dental hygienist. The Tenant submitted that he also has other sources of income and can pay the lawful monthly rent plus an additional \$4,000.00 per month until such time that the arrears are paid in full.
15. Based on the arrears currently outstanding, the payment plan proposed by the Tenant would take approximately 42.5 months to complete. I do not find that it would be reasonable to impose such a repayment plan on the Landlords at this time.
16. The Tenant, Jeffrey Swartz is 72 years of age and has a heart condition and is currently working four jobs to maintain his expenses. The Tenant submitted that he is unable to move from the property and wants to maintain his tenancy.

17. Based on the evidence, I do not find this to be a financially viable tenancy for the Tenants. I say this because the arrears are significant at \$170,550.00 and the Tenant has not demonstrated having the financial ability to repay said arrears within a reasonable time. I am also mindful that the Tenants have not made any payments since filing of the application, and the arrears are well above the Board's monetary jurisdiction meaning any delay granted in terminating the tenancy can prejudice the Landlord, as the monies would no longer be recoverable if the order was not voided.
18. 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 Landlord 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 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:**
 - \$170,736.00 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$175,536.00 if the payment is made on or before March 7, 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 7, 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 7, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$50,186.00. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The amount the Tenants are ordered to pay, excluding costs, is limited by the LTB's monetary jurisdiction. See Schedule 1 for the calculation of the amount owing.
6. If the Tenants do not pay the Landlords the full amount owing on or before March 7, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 8, 2026, at 4.00% annually on the balance outstanding.
7. If the unit is not vacated on or before March 7, 2026, then starting March 8, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

8. 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 8, 2026.

February 24, 2026
Date Issued

Ilan Shingait
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 8, 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	\$170,550.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$170,736.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 7, 2026

Rent Owing to March 31, 2026	\$175,350.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$175,536.00

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

Rent Owing to Hearing Date	\$168,432.77
Application Filing Fee	\$186.00
Total amount owing to the Landlord (limited by monetary jurisdiction)	\$50,186.00