



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

File Number: LTB-L-066129-25

In the matter of: 609, 1475 WHITES RD
PICKERING ON L1V0H3

Between: Benstar (No.5) LP Landlord

And

DAVID BOULTON Tenant

Benstar (No.5) LP (the 'Landlord') applied for an order to terminate the tenancy and evict DAVID BOULTON (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 23, 2026.

The Landlord's legal representative Sylwia McArthur and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the notice or before the day 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 \$3,069.00. It is due on the 1st day of each month.
4. The Tenant has paid \$16,677.00 to the Landlord since the application was filed.
5. The rent arrears owing to February 28, 2026 are \$7,875.00. This amount was not in dispute.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. Accordingly, the total amount the Tenant owes the Landlord is \$8,061.00.

Relief from eviction

8. The Tenant testified that he is a single father to a 12-year-old child. The rental unit is close to the child's school and to the child's mother's residence. He stated that he lost his employment in July 2025, which resulted in the arrears, however he has since returned to work and is earning an average income of \$1,200.00 per week. The Tenant is requesting a one-year payment plan. The Landlord's representative asked for a standard order but provided no evidence regarding the Landlord's circumstances.
9. I have considered all relevant circumstances, as required by subsection 83(2) of the *Residential Tenancies Act*, 2006 (the "Act"), and I find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order, pursuant to subsections 83(1)(a) and 204(1) of the Act. I make this finding because the Tenant has demonstrated an ability to pay a substantial portion of the arrears that accrued after the application was filed, and, given his circumstances, should be afforded the opportunity to maintain the tenancy through a structured payment plan.

It is ordered that:

1. The Tenant shall pay to the Landlord \$8,061.00 for arrears of rent up to February 28, 2026 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - Beginning March 20, 2026, and on the 20th of every month up to (and including) February 20, 2027 the amount of \$671.75.
3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 2026 to February 2027, or until the arrears are paid in full, whichever date is earliest. Rent for March 2026 shall be paid on or before March 10, 2026.

4. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after February 28, 2026.

March 6, 2026
Date Issued

Brett Lockwood
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.