



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

File Number: LTB-L-090899-25

In the matter of: 19 STRATHCONA AVE N
HAMILTON ON L8R3B8

Between: Watner Burwell Landlord

And

Terry Richard Grace Tenant

Watner Burwell (the 'Landlord') applied for an order to terminate the tenancy and evict Terry Richard Grace (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 6, 2026.

The Landlord and the Tenant attended the hearing. Jennifer Swietek attended the hearing as Tenant Duty Counsel and made brief submissions on the Tenant's behalf.

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 \$529.00. It is due on the 1st day of each month.
4. The Tenant has paid \$1,110.00 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2026 are \$1,006.00.
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 \$1,192.00.
8. 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 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.

9. As of the date of the hearing, the Tenant was working to secure additional funding to assist in clearing his rent arrears. The Tenant continued to make rent payments to the Landlord after the Landlord's application is filed and I am satisfied on a balance of probabilities that he is making a good faith attempt to repay the arrears in a timely fashion.
10. I have also considered the Landlord's declared circumstances. His submissions consisted primarily of an argument that the Landlord should not be inconvenienced by a conditional order for payment and the need to file a further application if the Tenant breaches such an order.
11. While I acknowledge the Landlord's frustrations with the prospect of a conditional order, I view such relief as appropriate in these circumstances. This is not a case of a Tenant who has continually failed to pay rent or who is living in an inherently unsustainable tenancy. Based on the Tenant's submissions at the hearing, the relatively small balance of the arrears, and the Tenant's continued rent payments, I view a conditional order as the appropriate balance between the Tenant's interest in preserving the tenancy and the Landlord's right to receive timely payment of the arrears.

It is ordered that:

1. The Tenant shall pay to the Landlord \$1,192.00 for arrears of rent up to January 31, 2026 and costs, on or before March 31, 2026.
2. The Tenant shall also pay to the Landlord the rent payments that came due on February 1, 2026 (\$529.00) and March 1, 2026 (\$529.00). These payments shall be made on or before March 31, 2026. Any amounts paid by the Tenant for use of the rental unit between February 1, 2026, and March 31, 2026, shall be applied towards the rent due for the period in which the payment was made.
3. 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 January 31, 2026.

March 6, 2026
Date Issued

Jeremy Henderson
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.