



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

File Number: LTB-L-002508-26

In the matter of: 1103, 567 SCARBOROUGH GOLF CLUB RD
TORONTO ON M1G1H5

Between: CAPREIT LIMITED PARTNERSHIP Landlord

And

HUDSON GERVAIS Tenant

CAPREIT LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict HUDSON GERVAIS (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was scheduled to be heard by video conference on February 26, 2026.

Before the start of the hearing the Landlord's legal representative Jason Paine and the Tenant's authorized representative Marguerite Mwenga and their support person Claud Kaxongo engaged in private settlement discussions and advised that the parties had reached an agreement.

The parties requested that Dispute Resolution Officer (DRO) Diego Fernandez-Stoll provide assistance in finalizing the terms and issue an order on consent to resolve all matters raised in the application.

Upon reviewing the terms of the consent with the parties, I was satisfied that the parties understood the terms and consequences of their consent.

The parties agreed that:

1. The lawful rent is \$1,499.12. It is due on the 1st day of month.
2. Based on the Monthly rent, the daily rent/compensation is \$49.29. This amount is calculated as follows: $\$1,499.12 \times 12$, divided by 365 days.
3. The Tenant has paid \$4,000.00 to the Landlord since the application was filed.
4. The rent arrears owing to February 28, 2026 are \$593.46.
5. The Tenant shall pay the Landlord incurred costs of \$186.00 for filing the application.

6. The Landlord collected a rent deposit of \$1,499.12 from the Tenant and this deposit is still being held by the Landlord. The rent deposit shall be applied to the last rental period of the tenancy.
7. Interest on the rent deposit, in the amount of \$4.92 is owing to the Tenant for the period from January 1, 2026 to February 26, 2026.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$2,278.58 if the payment is made on or before March 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after March 31, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 31, 2026**
5. As of the date of the agreement, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$942.16. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$49.29 per day for compensation for the use of the unit starting February 27, 2026 until the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before March 31, 2026, then starting April 1, 2026, the Landlord 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 April 1, 2026.

March 5, 2026
Date Issued

Diego Fernandez-Stoll
Hearings Officer, 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 October 1, 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 March 31, 2026

Rent Owing To March 31, 2026	\$6,092.58
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$4,000.00
Total the Tenant must pay to continue the tenancy	\$2,278.58

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

Rent Owing To February 26, 2026	\$4,375.88
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$4,000.00
Less the amount of the last month's rent deposit	- \$1,499.12
Less the amount of the interest on the last month's rent deposit	- \$4.92
Total amount owing to the Landlord	\$(942.16)
Plus daily compensation owing for each day of occupation starting February 27, 2026	\$49.29 (per day)