



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-105087-25

In the matter of: 1113, 125 WELLINGTON ST N
HAMILTON ON L8R3J4

Between: Equiton Residential Income Fund LP Landlord

and

Zdenek Pesta Tenant
Marcela Pestova

Equiton Residential Income Fund LP (the 'Landlord') applied for an order to terminate the tenancy and evict Zdenek Pesta and Marcela Pestova (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 24, 2026.

Only the Landlord's Agent, Laveena Sansal, attended the hearing.

As of 9:47 a.m., the Tenant was 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.

Determinations:

1. The Landlord served the Tenant 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. The Landlords' Agent testified the Tenant advised they are out of the country and have not responded since January 17, 2026; however, she nonetheless testified a lot of possessions remain in the rental unit. Based on the uncontested evidence of the Landlord's Agent, we find that as of the hearing date, the Tenant was still in possession of the rental unit.
3. The Landlord erroneously noted that an above guideline rent increase had taken place on January 1, 2026, on their L1/L9 Information Update Sheet. The Landlord's Agent testified this was a clerical error and that the lawful rent remains \$1,171.09. We therefore find the lawful rent is \$1,171.09. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$38.50. This amount is calculated as follows: $\$1,171.09 \times 12$, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2026, are \$4,684.36.
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 \$1,077.31 from the Tenant 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 \$3.41 is owing to the Tenant for the period from January 1, 2026, to February 24, 2026.

Relief from Eviction

10. The Landlord sought an order for termination and eviction with 11 days for the Tenant to pay off all outstanding amounts and void the order.
11. The Landlord's Agent testified the Landlord has reached out to the Tenant to negotiate a payment plan; but, the Tenant has not responded. The Landlord's Agent was not aware of any reason to delay or deny eviction.
12. As the Tenant was not present or represented no other circumstances were presented.
13. We 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.

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:**
 - \$6,041.45 if the payment is made on or before March 16, 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 16, 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 16, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$3,542.55. 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 Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$38.50 per day for the use of the unit starting February 25, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before March 16, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 17, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 16, 2026, then starting March 17, 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 17, 2026.

March 5, 2026
Date Issued

Harpreet Rindi
Member, Landlord and Tenant Board

Rebecca Case
Vice Chair, 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 17, 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 16, 2026

Rent Owing To March 31, 2026	\$5,855.45
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$6,041.45

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

Rent Owing To Hearing Date	\$4,437.27
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,077.31
Less the amount of the interest on the last month's rent deposit	- \$3.41
Total amount owing to the Landlord	\$3,542.55
Plus daily compensation owing for each day of occupation starting February 25, 2026	\$38.50 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	