



Amended Order
Order under Section 21.1 of the
Statutory Powers Procedure Act
and the ***Residential Tenancies Act, 2006***

Citation: Cira v MacLean, 2026 ONLTB 4505

Date: 2026-03-11

File Number: LTB-L-088956-25-AM

In the matter of: 39 BEECHWOOD AVE
HAMILTON ON L8L2S5

Between: David Cira Landlord

And

Brandon MacLean Tenant

David Cira (the 'Landlord') applied for an order to terminate the tenancy and evict Brandon MacLean (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 5, 2026.

The Landlord's Legal Representative, Kurt Shmuir, the Landlord and the Tenant attended the hearing.

This amended order is issued to correct a clerical error in the original order issued on January 14, 2026

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, an order imposing conditions for the next 12 months shall issue allowing the Tenant to preserve their tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. On October 20, 2025, the Landlord gave the Tenant an N8 notice of termination deemed served on the same date. The notice of termination contains the following allegations: the rent has persistently been paid late over the last 2-year period. A ledger was attached showing that from October of 2023 to October of 2025, the majority of the rental payments to the Landlord were late.
4. The Landlord's Legal Representative submitted that the Tenant paid November's rent two days late, he paid December's rent on time and he paid January's rent two days late. Mr. Shmuir further advised that an L1 order was issued on December 21, 2025 with an eviction date of January 31, 2026 if the outstanding rent was not paid by the Tenant.
5. Based on the Tenant's recent payment history, the Landlord's Representative advised the Board that the Landlord was not seeking a termination of the tenancy but was seeking a pay on time order for 12 months and requested that s. 78 of the *Residential Tenancies Act, 2006* (the 'Act') be attached for enforcement of the payment order.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of 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*.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the Landlord monthly rent owing on or before the first day of each month commencing February 1, 2026 and continuing thereafter until and including January 31, 2027.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Act*, for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the Board without notice to the Tenant.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application by February 28, ~~2025~~ 2026.
5. If the Tenants fail to make the payment owing under paragraph 4, and by the date required, the balance owing under paragraph 4 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the *Act*.

January 14, 2026
Date Issued

March 11, 2026
Date Amended

Carrie Bertrand
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.