



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

File Number: LTB-L-106588-25

In the matter of: 12, 21 SANFORD AVE. N.
HAMILTON, ON L8L 8G5

Between: Hamilton East Kiwanis NP Homes Inc. Landlord

and

Cassandra Linger Tenants
Frank Linger

Hamilton East Kiwanis NP Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Cassandra Linger and Frank Linger (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 4, 2026.

Only the Landlord's agent, Carlo-Ann Fetter, attended the hearing.

As of 9:31 a.m., the Tenants were not present, nor represented at the hearing, although properly served with notice of this hearing by the Board. 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,001.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$32.91. This amount is calculated as follows: \$1,001.00 x 12, divided by 365 days.
5. The Tenants have paid \$2,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2026, are \$2,600.00.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

Relief from eviction

9. The Landlord sought an eviction order for termination and eviction with 11 days for the Tenants to pay off all outstanding amounts and void the order. The parties were unsuccessful resolving the issue of rent arrears through a payment plan.
10. The Landlord was not aware of any reason to delay or deny eviction. As the Tenants did not attend, no other circumstances were presented to me.
11. 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 be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the Board in trust:**
 - \$2,786.00 if the payment is made on or before March 23, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the Board to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after March 23, 2026, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before March 23, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$1,916.64. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$32.91 per day for the use of the unit starting March 5, 2026, until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before March 23, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 24, 2026, at 4.00% annually on the balance outstanding.

8. If the unit is not vacated on or before March 23, 2026, then starting March 24, 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 24, 2026.

March 12, 2026
Date Issued

Adeela Alvez
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 24, 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before March 23, 2026:

Rent Owing to March 31, 2026	\$4,600.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,000.00
Total the Tenants must pay to continue the tenancy	\$2,786.00

B. Amount the Tenants must pay if the tenancy is terminated:

Rent Owing to Hearing Date	\$3,730.64
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,000.00
Total amount owing to the Landlord	\$1,916.64
Plus, daily compensation owing for each day of occupation starting March 5, 2026	\$32.91 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	