



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kettina v Earle, 2026 ONLTB 20144

Date: 2026-04-01

File Number: LTB-L-087505-25

In the matter of: 1480 UPPER GAGE AVE
HAMILTON ON L8W1E7

Between: Ninos Kettina Landlord

And

Linda Earle Tenants
Barry Monahan

Ninos Kettina (the 'Landlord') applied for an order to terminate the tenancy and evict Linda Earle and Barry Monahan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlords' Representative, Jennifer Greenway, and the Tenants' Agent, Jennifer Monahan, attended the hearing.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) for the month of October 2025. 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 \$2,500.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.
5. The Tenants have paid \$6,232.75 to the Landlord since the application was filed.

6. At the hearing, the Tenants' agent, who is also a family member, disagreed with the amount owing because she said that the Tenants have made several cash payments to the Landlords that have not been accounted for in the amount owing. Other than the Tenant's payments of \$6,232.75, that were reflected the Landlords' update sheet as payments made after the application was filed on October 17, 2025, the Tenants' agent failed to provide any additional dates and/or amounts of payments to support their assertion, or any bank records confirming transactions from their accounts. As a result, there was insufficient evidence before me to conclude that any additional payments were made.
7. The rent arrears owing to March 31, 2026, are \$7,517.25.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

Relief from eviction

10. 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 postpone the eviction until May 31, 2026 pursuant to subsection 83(1)(b) of the Act. Given the time between the hearing and the issuance of this order,
11. The Tenants' agent testified that the Tenants are vulnerable people, and their income is from the Ontario Disability Support Program (ODSP). She testified that there is pending review with respect to significant ODSP deductions of one of the Tenants, and they will need some time to resolve the matter so they can find suitable housing within their means.
12. The Tenant's agent testified that due to the Tenants' disabilities, she has been working on their behalf with several community agencies to find suitable and affordable housing. The Tenants are currently on a waiting list to receive social housing, and their worker has made applications for community agencies to possibly pay a portion of the arrears. However, no timeframe for either was confirmed. The Tenants have some cognitive and mobility issues and will need more time to find suitable and affordable housing. The Tenants have lived in the rental unit since 2019. The Tenants' agent requested 3 months to find alternative housing.
13. The Landlords' representative opposed any further relief and requested a standard order to terminate the tenancy due to the high arrears owing. She submitted that the Landlords are a small business and the Tenant's non-payment of rent has caused some financial hardship.
14. Based on the evidence and submissions before me, I find that a delay of eviction is reasonable. I am mindful that the Tenants have made significant efforts to make the Landlords whole since the application was filed. The Tenants have also contacted the local community agency for additional assistance to preserve the tenancy. I have considered that the Tenants have some cognitive and mobility issues which may require more time to find alternative housing. I have also considered that this is a long-term tenancy the Tenants should be given additional time to find suitable and affordable housing. I accept

the Tenants' request and find that a delay of eviction to May 31, 2026, would be reasonable in these circumstances, as this will permit the Tenants additional time to pay the rent arrears or find alternative housing through social housing providers.

15. Given the time between the hearing and the issuance of this order, I find that although there may have been significant time for the Tenants to find alternative housing, it is reasonable in the circumstances to provide an addition extension of eviction of 60 days, to allow the Tenants to pay the arrears or find alternative housing.

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 LTB in trust:**

- \$10,203.25 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$12,703.25 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.

3. The Tenants may also make a motion at the LTB 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 May 31, 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 May 31, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$5,532.01. This amount includes rent arrears owing 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 \$82.19 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 May 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 31, 2026, then starting June 1, 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 June 1, 2026.

April 1, 2026
Date Issued

Colette Myers
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 December 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2026

Rent Owing To April 30, 2026	\$16,250.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,232.75
Total the Tenant must pay to continue the tenancy	\$10,203.25

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2026

Rent Owing To May 31, 2026	\$18,750.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,232.75
Total the Tenant must pay to continue the tenancy	\$12,703.25

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$11,578.76
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,232.75
Total amount owing to the Landlord	\$5,532.01
Plus daily compensation owing for each day of occupation starting March 5, 2026	\$82.19 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	

