



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

File Number: LTB-L-004866-26

In the matter of: 26 SUMAC DR
CALEDONIA ON N3W0C2

Between: Mojisola Ogunsanya Landlords
Adedayo Ogunsanya

And

Nadia Dixon Tenants
Norman Dixon

Mojisola Ogunsanya and Adedayo Ogunsanya (the 'Landlords') applied for an order to terminate the tenancy and evict Nadia Dixon and Norman Dixon (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenants owe (L1 Application); and
- the Tenants have been persistently late in paying the Tenants' rent; (L2 Application).

The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on March 10, 2026.

Only the Landlords attended the hearing.

As of 10:07 a.m., the Tenants were 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 Landlords' evidence.

Determinations:

L1 Application – Non-Payment of Rent

1. The Landlords 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 \$2,300.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$75.62. This amount is calculated as follows: \$2,300.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2026 are \$14,456.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,950.00 from the Tenants and this deposit is still being held by the Landlords. 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 \$257.76 is owing to the Tenants for the period from February 1, 2019 to March 10, 2026.

L2 Application – Persistent Late Payment of Rent

1. On November 24, 2025, the Landlords gave the Tenants an N8 notice of termination deemed served November 25, 2025. The notice of termination sets out rent payment details for 12 months for the period from December 1, 2024 to November 1, 2025. During that time, the Tenants paid the full rent late for eight months, only partially paid the rent for three months, and did not pay any rent for one month.
2. After the N8 notice was served, the Tenants did not pay the rent for the subsequent months.
3. Having considered the uncontested evidence before me, I am satisfied that the Landlords have proven the Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month, and it was not paid on time once in the 12 months set out in the N8 notice. There is also no evidence to suggest any confusion regarding when the lawful is rent is due or if the Landlords are complacent with late payments.

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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
11. The Tenants have not made any good faith payments in the last five months. The Landlords have attempted to work out a payment plan for the arrears and address the Tenants' payment history to no avail. The Tenants were also not present to provide any submissions regarding their circumstances or any assurances that they will not only be able to pay the rent on time but also pay down the arrears. Given the mounting arrears, and without such assurances, I am not satisfied that a conditional order is appropriate in the circumstances. Therefore, I find it would be unfair to grant relief from eviction.

It is ordered that:

1. Pursuant to the L2 Application, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 29, 2026.
2. The Tenants shall pay the Landlords any rent arrears owing up to the date of the hearing and the cost of filing the application. The amount of the rent deposit and interest the Landlords owe on the rent deposit are deducted from the amount owing by the Tenants.
3. As of the date of the hearing, the Tenants owe the Landlords \$10,890.44. See Schedule 1 for the calculation of the amount owing.
4. The Tenants shall also pay the Landlords compensation of \$75.62 per day for the use of the unit starting March 11, 2026 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlords the full amount owing on or before March 29, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 30, 2026 at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 29, 2026, then starting March 30, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after March 30, 2026.

March 18, 2026

Date Issued

Fotoula Hatzantonis

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 of the Tenants expires on September 30, 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 as the tenancy is terminated

Rent Owing To March 10, 2026	\$12,912.20
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	-\$1,950.00
Less the amount of the interest on the last month's rent deposit	-\$257.76
Total amount owing to the Landlords	\$10,890.44
Plus daily compensation owing for each day of occupation starting March 11, 2026	\$75.62 (per day)