



Order under Section 69 Residential Tenancies Act, 2006

Citation: DaCosta v Ruddy, 2026 ONLTB 26736

Date: 2026-03-31

File Number: LTB-L-004704-26

In the matter of: 174 FAIRFIELD AVE
HAMILTON ON L8H5H4

Between: Elizabeth DaCosta
Gregory Ewinger
Landlords

And

Carly Ruddy
Tyler Johnson
Tenants

Elizabeth DaCosta and Gregory Ewinger (the 'Landlords') applied for an order to terminate the tenancy and evict Carly Ruddy and Tyler Johnson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord, Elizabeth DaCosta, and the Tenants attended the hearing.

Determinations:

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 \$1,682.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$55.30. This amount is calculated as follows: \$1,682.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The parties agree that the rent arrears owing to March 31, 2026, are \$15,193.30.

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 \$1,600.00 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 \$202.38 is owing to the Tenants for the period from May 25, 2019 to March 24, 2026.
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 April 30, 2026 pursuant to subsection 83(1)(b) of the Act.
11. The Tenant, Tyler Johnson, testified that the Tenants have four children and they have been struggling to pay rent due to some health and employment challenges. The Tenant also suggested that the Landlord wanted to sell the house and served them a notice in July 2025. The Tenants request a payment plan for \$800.00 each month towards the arrears. The Landlord opposes the plan.
12. Based on the evidence before me and considering the Tenant's circumstances I am granting a delay to April 30, 2026. There has been no change in the Tenants' circumstances related to income and granting an unreasonably long payment plan would not be feasible and would be prejudicial to the Landlord.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
 - \$15,379.30 if the payment is made on or before March 31, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$17,061.30 if the payment is made on or before April 30, 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 April 30, 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 April 30, 2026.**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$13,166.82. 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 Landlords owe on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.

6. The Tenants shall also pay the Landlords compensation of \$55.30 per day for the use of the unit starting March 25, 2026 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before April 30, 2026, the Tenants will start to owe interest. This will be simple interest calculated from May 1, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before April 30, 2026, then starting May 1, 2026, the Landlords 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 Landlords on or after May 1, 2026.

March 31, 2026
Date Issued

Sheena Brar
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 November 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 March 31, 2026

Rent Owing To March 31, 2026	\$15,193.30
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$15,379.30

B. 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	\$16,875.30
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$17,061.30

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

Rent Owing To Hearing Date	\$14,783.20
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,600.00
Less the amount of the interest on the last month's rent deposit	- \$202.38
Total amount owing to the Landlords	\$13,166.82
Plus daily compensation owing for each day of occupation starting March 25, 2026	\$55.30 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	