



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

**File Number:** LTB-L-007005-26

**In the matter of:** Upper Unit, 224 ROSEDALE DR  
WHITBY ON L1N1Z3

**Between:** Francine Bilewicz Landlords  
Peter Bilewicz

**And**

Desiree Smith Tenants  
Carl Duggan  
Tabitha Smith  
Onwri Brown

Francine Bilewicz and Peter Bilewicz (the 'Landlords') applied for an order to terminate the tenancy and evict Desiree Smith, Carl Duggan, Tabitha Smith and Onwri Brown (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 30, 2026.

The Landlords and the Tenants, Desiree Smith and Tabitha Smith attended the hearing.

### **Determinations:**

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the notice or before the day 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 \$2,450.00. It is due on the 1st day of each month.
4. The Tenants have paid \$2,650.00 to the Landlords since the application was filed.
5. The rent arrears owing to March 31, 2026 are \$3,350.00.
6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. Accordingly, the total amount the Tenants owe the Landlords is \$3,536.00.
8. 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 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.
9. The Tenants sought an order granting relief from eviction in the form of a payment plan requiring the Tenants to pay an additional \$600.00 each month towards the arrears. The Landlords opposed the request and sought an order terminating the tenancy.
10. The Tenants, Desiree Smith ('DS') and Tabitha Smith ('TS') testified their household net income was approximately \$8,400.00 and testified that their expenses total roughly \$2,133.00. I was satisfied based on the evidence before me that the payment plan was viable and as it would have the Landlords paid in full within 6 months, I find that it would not be unfair to grant relief from eviction in the form of a payment plan subject to the conditions set out below. The arrears are low and the Landlords will be made whole within 6 months.

**It is ordered that:**

1. The Tenants shall pay to the Landlords \$3,536.00 for arrears of rent up to March 31, 2026 and costs.
2. The Tenants shall pay to the Landlords the amount set out in paragraph 1 in accordance with the following schedule:
  - a. \$600.00 on or before the 15<sup>th</sup> day of each month for the period April 15, 2026 to August 15, 2026; and
  - b. \$536.00 on or before September 15, 2026.
3. The Tenants shall pay to the Landlords the rent for April 2026 on or before April 5, 2026.
4. The Tenants shall also pay to the Landlords new rent on time and in full as it comes due and owing for the period May 1, 2026 to September 1, 2026, or until the arrears are paid in full, whichever date is earliest.
5. If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlords pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlords may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after March 31, 2026.

**April 8, 2026**  
**Date Issued**

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**Christopher Lin**  
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.