



Order under Section 69 Residential Tenancies Act, 2006

Citation: Ly v Johnson, 2026 ONLTB 28367

Date: 2026-04-10

File Number: LTB-L-000740-26

In the matter of: 6039 ALTHEA ST
NIAGARA FALLS ON L2E5G4

Between: Bien Ly Landlord

And

Angelina Marta Johnson Tenant

Bien Ly (the 'Landlord') applied for an order to terminate the tenancy and evict Angelina Marta Johnson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 11, 2026.

The Landlord, the Landlord's Legal Representative Spencer Tran and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,700.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$88.77. This amount is calculated as follows: \$2,700.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2026 are \$13,500.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$2,700.00 from the Tenant and this deposit is still being held by the Landlord. 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 \$120.01 is owing to the Tenant for the period from April 8, 2024 to March 11, 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 does not dispute the arrears owing. The Tenant stated that she has resided in the rental unit with her three children since April, 2024 and that her mother previously resided in the rental unit and contributed towards rent, but after a she and her mother had a dispute her mother moved out. She states that she can no longer afford the rental unit without the contribution of her mother.
12. The Tenant is working with Niagara Housing to help her find alternative living arrangements, but it may take four to eight months to find housing.
13. The Landlord seeks eviction as soon as possible, as the Tenant has not made any payments to the Landlord since the application was filed and is experiencing financial strain due to the non-payment of rent which is affecting her personal finances as the Landlord is responsible for a mortgage on the property.
14. Considering the submissions of both parties and their circumstances I find a slightly delayed eviction to the end of April to be appropriate given that there are three children residing in the rental unit. Although not ideal the Landlord does hold a last month's rental deposit on behalf of the Tenants which may mitigate any future potential losses the Landlord may suffer as a result of non-payment of rent by the Tenant.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$16,386.00 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has 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 Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before April 30, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$9,142.46. 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 Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$88.77 per day for the use of the unit starting March 12, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2026, the Tenant 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 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 May 1, 2026.

April 10, 2026
Date Issued

Sean Ramage
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 Tenant 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	\$16,200.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$16,386.00

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$11,776.47
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$120.01
Total amount owing to the Landlord	\$9,142.46
Plus daily compensation owing for each day of occupation starting March 12, 2026	\$88.77 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	