



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-089864-25

In the matter of: Basement, 2058 ARGYLE CRT
WINDSOR ON N8Y1T6

Between: Fozia Mirza Landlord

And

Nicole Pierce Tenant

Fozia Mirza (the 'Landlord') applied to the Landlord and Tenant Board ('LTB') for an order to terminate the tenancy and evict Nicole Pierce (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was scheduled to be heard by videoconference on April 2, 2026. Muhammad Malik, licenced paralegal, represented the Landlord. The Tenant attended and was self-represented.

The parties elected to participate in LTB facilitated mediation with the assistance of Joanne Lolato, a Dispute Resolution Officer and Hearing Officer, with the Landlord and Tenant Board.

The parties agreed to resolve all the issues in the application and further agreed to the LTB issuing an Order on consent confirming their agreement. I, as Dispute Resolution Officer and Hearing Officer, am satisfied that the parties understood the terms of their consent as set out in the Order below.

The parties agreed that:

- a. The Landlord's application is amended to include **Basement** to the address of the rental unit.
- b. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
- c. As of the hearing date, the Tenant was still in possession of the rental unit.
- d. The lawful rent is \$1,350.00. It is due on the 10th day of each month.

- e. Based on the Monthly rent, the daily rent/compensation is \$44.38. This amount is calculated as follows: \$1,350.00 x 12 months, divided by 365 days.
- f. The rent arrears owing to April 9, 2026, are \$5,050.00.
- g. The Tenant shall pay the Landlord incurred costs of \$186.00 for filing the application.
- h. The Landlord collected a rent deposit of \$1,350.00 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.
- i. Interest on the rent deposit, in the amount of \$23.07 is owing to the Tenant for the period from June 10, 2025 to April 2, 2026.
- j. This order is a final, non-voidable termination of this tenancy based on the parties' agreement to terminate the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.
- k. As the parties have agreed to a final termination of the tenancy, the arrears owing are calculated up to the date of the hearing. The last month rent deposit and the interest owing on the deposited are deducted from the arrears. Per diem compensation is ordered starting the day after the hearing date until the date the Tenant vacates the unit.

On consent of the parties, it is ordered that:

- 1. The Landlord's application is amended to include the unit as **Basement** to the address of the rental unit.
- 2. The tenancy between the Landlord and the Tenant is terminated. The Tenant shall vacate the rental unit on or before May 15, 2026.
- 3. If the unit is not vacated on or before May 15, 2026, then starting May 16, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 4. 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 16, 2026.
- 5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$3,552.27. 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.
- 6. The Tenant shall also pay the Landlord compensation of \$44.38 per day for the use of the unit starting April 3, 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 May 15, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 16, 2026 at 4.00% annually on the balance outstanding.

April 7, 2026
Date Issued

Joanne Lolato
Hearings Officer, 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 16, 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.