



Order under Section 69 / 88.2 Residential Tenancies Act, 2006

Citation: OBrien v Stiemann, 2026 ONLTB 28479

Date: 2026-04-08

File Number: LTB-L-098956-25

In the matter of: UNIT 1, 489 12TH AVE
HANOVER ON N4N2V1

Between: Garrett OBrien Landlord

And

John Stiemann Tenants
Mallory Caudle

Garrett OBrien (the 'Landlord') applied for an order to terminate the tenancy and evict John Stiemann and Mallory Caudle (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another Tenants

Garrett OBrien (the 'Landlord') also applied for an order requiring John Stiemann and Mallory Caudle (the 'Tenants') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on April 2, 2026.

Only the Landlord and their agent, Lauren Knapton, attended the hearing.

As of 9:50 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy is terminated as of May 31, 2026 and the Tenants shall pay the Landlord \$846.36.

2. The Tenants were in possession of the rental unit on the date the application was filed.

N5 Notice of Termination

3. On November 18, 2025, the Landlord gave the Tenants an N5 notice of termination. The notice of termination contains the following allegations: the Tenants did not pay the water bill for October 2025 totalling \$225.10.
4. The Tenants did not correct the omission within seven days after receiving the N5 notice of termination. The amount was paid after the L2 application was filed in December 2025, after the voiding period. Subsequent water bills remain unpaid totalling \$660.36. Therefore, the Tenants did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
5. The rent deposit, interest on the rent deposit, and daily compensation are addressed in L1 order LTB-L-088430-25, so are not addressed in this order.
6. The Tenants failed to pay water costs that they were required to pay under the terms of the tenancy agreement.
7. The Landlord has incurred reasonable out-of-pocket expenses of \$660.36 as a result of the Tenants' failure to pay water costs.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

9. 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 May 31, 2026 pursuant to subsection 83(1)(b) of the Act. The Landlord advises that there have been multiple applications before the Board, all of which have resulted in non-payment or non-compliance with a payment plan, so a conditional order is not a viable option. However, in consideration of the children in the unit, the Landlord suggests an extended termination date of May 31, 2026.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 31, 2026.
2. If the unit is not vacated on or before May 31, 2026, then starting June 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 June 1, 2026.

4. The Tenants shall pay to the Landlord \$660.36, which represents the reasonable out-of-pocket expenses the Landlord has incurred or will incur as a result of the unpaid utility costs.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing on or before May 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.

April 8, 2026
Date Issued

Dawn Carr
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 December 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.