



Order under Section 69 Residential Tenancies Act, 2006

Citation: Homestead Land Holdings Limited v Wheeler, 2026 ONLTB 28622

Date: 2026-04-10

File Number: LTB-L-002030-26

In the matter of: 603, 854 COMMISSIONERS RD E
LONDON ON N6C5Z5

Between: Homestead Land Holdings Limited

Landlord

And

Thomas Wheeler

Tenant

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Wheeler (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 19, 2026.

The Landlord's legal representative, Ashleigh Searles, 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 \$1,608.18. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$52.87. This amount is calculated as follows: \$1,608.18 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 \$9,235.81.
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 \$1,557.24 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 \$23.47 is owing to the Tenant for the period from July 1, 2025 to March 19, 2026.

Relief from Eviction

10. The Tenant does not dispute the arrears owing. The Tenant testified that he has been experiencing financial difficulty due to health challenges. The Tenant had two surgeries just prior to Christmas and has just learned that another surgery is imminent. The Tenant is not receiving Employment Insurance; his Canada Pension Plan and his widowers pension totalling \$1,300.00 per month are his only source of income currently. The Tenant stated that he has another pension that will start on May 1, 2026, of approximately \$1,100.00 per month. The Tenant has lived in the rental unit for 5 years.
11. Though I have great sympathy for the Tenant's circumstances, based on his income and expenses, I am not satisfied that the tenancy is financially viable. Even when considering the other pension that the Tenant stated is to start on May 1, 2026, the Tenant does not appear to have sufficient income to pay the lawful rent while meeting their other core expenses. However, considering the Tenant's circumstances I find a delay of eviction is appropriate to allow the Tenant as much time as possible to seek alternative living accommodations. Therefore, I will postpone eviction to April 30, 2026.
12. In making this determination I have considered that a lengthier delay would cause undue prejudice to the Landlord.
13. 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.

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:**
 - \$11,029.99 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 \$7,237.45. 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 \$52.87 per day for the use of the unit starting March 20, 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

Melissa Anjema
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	\$10,843.99
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$11,029.99

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

Rent Owing To Hearing Date	\$8,632.16
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,557.24
Less the amount of the interest on the last month's rent deposit	- \$23.47
Total amount owing to the Landlord	\$7,237.45
Plus daily compensation owing for each day of occupation starting March 20, 2026	\$52.87 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	