



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-007881-26

In the matter of: 4, 3 KEE LANE
FORT ERIE ON L2A3J4

Between: Stephen Havill Landlord

And

Gary Frizzell Tenant

Stephen Havill (the 'Landlord') applied for an order to terminate the tenancy and evict Gary Frizzell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was scheduled to be heard by video conference on April 2, 2026.

Before the start of the hearing the Landlord Stephen Havill, the Landlord's legal representative Judith Callendar and the Tenant Gary Frizzell engaged in private settlement discussions and advised that the parties had reached an agreement. The parties requested that Dispute Resolution Officer (DRO) Diego Fernandez-Stoll provide assistance in finalizing the terms and issue an order on consent to resolve all matters raised in the application. Upon reviewing the terms of the consent with the parties, I was satisfied that the parties understood the terms and consequences of their consent.

The parties agreed that:

1. The lawful rent is \$775.00. It is due on the 1st day of month.
2. Based on the Monthly rent, the daily rent/compensation is \$25.48. This amount is calculated as follows: \$775.00 x 12, divided by 365 days.
3. The rent arrears owing to April 30, 2026 are \$25,575.00.
4. The Tenant shall pay the Landlord incurred costs of \$186.00 for filing the application.
5. The Landlord collected a rent deposit of \$720.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit shall be applied to the last rental period of the tenancy.
6. Interest on the rent deposit, in the amount of \$127.88 is owing to the Tenant for the period from June 1, 2016 to April 2, 2026.

On consent of the parties, 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:**
 - \$25,761.00 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 \$24,189.08. This amount includes rent arrears owing up to the date of the agreement 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 \$25.48 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 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 13, 2026
Date Issued

Diego Fernandez-Stoll
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 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	\$25,575.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Total the Tenant must pay to continue the tenancy	\$25,761.00

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

Rent Owing To April 2, 2026	\$24,850.96
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount of the last month's rent deposit	- \$720.00
Less the amount of the interest on the last month's rent deposit	- \$127.88
Total amount owing to the Landlord	\$24,189.08
Plus daily compensation owing for each day of occupation starting April 3, 2026	\$25.48 (per day)