



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-005604-26

In the matter of: 112 Lorne Ave.
Chatham, ON N7M1S1

Between: John Nesbitt Landlord

And

Tanya Fysh Tenant

John Nesbitt (the 'Landlord') applied for an order to terminate the tenancy and evict Tanya Fysh (the 'Tenant') because the Tenant did not pay the rent owed.

This application was heard by videoconference on April 7, 2026.

Only the Landlord attended the hearing.

As of 10:49 a.m., the Tenant was 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.

Preliminary Issues:

Amendment to the Application

1. The Landlord made a clerical error in the application, incorrectly listing the date rent arrears began as February 2, 2024, instead of February 1, 2023. The date rental arrears began was listed correctly on the N4 notice of termination. At the hearing, the Landlord requested an amendment to correct this clerical error. The amendment was granted on consent at the hearing, as this error did not result in any prejudice to the Tenant.

Determinations:

2. 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.

3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$240.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$7.89. This amount is calculated as follows: \$240.00 x 12, divided by 365 days.
6. The Tenant has not made any payments since the application was filed.
7. **This application sought arrears to October 31, 2024; therefore, no arrears could be ordered beyond that date.**
8. The rent arrears owing to October 31, 2024, are \$5,040.00.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. There is no last month's rent deposit.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlord attempted to negotiate a repayment agreement with the Tenant, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) 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:**
 - \$5,226.00 if the payment is made on or before April 25, 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 25, 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 25, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$5,226.00. This amount includes rent arrears owing up to October 31, 2024, and

the cost of filing the application. See Schedule 1 for the calculation of the amount owing.

6. If the Tenant does not pay the Landlord the full amount owing on or before April 25, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 26, 2026, at 4.00% annually on the balance outstanding.
7. If the unit is not vacated on or before April 25, 2026, then starting April 26, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 April 26, 2026.

April 14, 2026
Date Issued

Ken Audziss
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 October 26, 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 25, 2026

Rent Owing to October 31, 2024	\$5,040.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$5,226.00

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

Rent Owing to October 31, 2024	\$5,040.00
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$5,226.00