



Order under Section 69 Residential Tenancies Act, 2006

Citation: SEC 275 CARLING LP v MACDONNELL, 2026 ONLTB 29689

Date: 2026-04-17

File Number: LTB-L-007939-26

In the matter of: 1605, 275 CARLING AVE. RECEPTION
OTTAWA ON K1S5Y2

Between: SEC 275 CARLING LP SEC 275 CARLING LP Landlord

And

GARY MACDONNELL Tenant

SEC 275 CARLING LP SEC 275 CARLING LP (the 'Landlord') applied for an order to terminate the tenancy and evict GARY MACDONNELL (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's Legal Representative Maurice Abel 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 \$3,698.91. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$121.61. This amount is calculated as follows: \$3,698.91 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 April 30, 2026 are \$17,852.73.
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 \$3,378.00 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.
9. Interest on the rent deposit, in the amount of \$111.85 is owing to the Tenant for the period from November 18, 2024 to April 7, 2026.
10. 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.
11. The Tenant does not dispute the arrears owing, he seeks an opportunity to maintain the tenancy and repay arrears.
12. The Tenant is 72 years old and resides in the rental unit alone after the passing of his wife. He states that pursuant to his wife's will he entitled to a portion of the proceeds from the sale of a property that occurred in July, 2025, but the proceeds have not yet been distributed. He intends to use his portion to pay off the arrears owing to the Landlord.
13. The Landlord seeks termination of the tenancy due to the arrears and is seeking to have the arrears settled sooner rather than later.
14. Having considered the testimony and submissions of the parties and in consideration of their circumstances it is appropriate to give the Tenant an opportunity to maintain the tenancy by postponing eviction until May 31, 2026. Although not ideal for the Landlord they do hold a last month's rent deposit on behalf of the Tenant to help mitigate any potential prejudice that may result from the delayed eviction.

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:**
 - \$18,038.73 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$21,737.64 if the payment is made on or before May 31, 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 May 31, 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 May 31, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$11,701.24. 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 \$121.61 per day for the use of the unit starting April 8, 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 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.
8. 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.
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 June 1, 2026.

April 17, 2026
Date Issued

Sean Ramage
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 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.

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	\$17,852.73
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$18,038.73

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2026

Rent Owing To May 31, 2026	\$21,551.64
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$21,737.64

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

Rent Owing To Hearing Date	\$15,005.09
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$3,378.00
Less the amount of the interest on the last month's rent deposit	- \$111.85
Total amount owing to the Landlord	\$11,701.24
Plus daily compensation owing for each day of occupation starting April 8, 2026	\$121.61 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	