



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

File Number: LTB-L-019858-26

In the matter of: 107, 2265 Victoria Park Ave.
Toronto, ON M1R 1W3

Between: CAPREIT 2 Limited Partnership Landlord

And

Garth Wilmot Tenants
Christopher Francis

CAPREIT 2 Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Garth Wilmot and Christopher Francis (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 9, 2026.

Only the Landlord's Legal Representative, Reshma Nair, attended the hearing.

As of 10:54 a.m., the Tenants were not present, nor 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:

Tenant not in attendance

1. The Landlord's legal representative stated that Jason Payne had contacted the Tenant on April 5 2026 to remind the Tenant about the hearing. Landlord's legal representative Payne called the Tenant the day of the hearing and Tenant informed Landlord's legal representative Payne he was not able to log into the hearing. Landlord's legal representative Payne provided the log in information to the Tenant.
2. On the day of the hearing there were no Borad records of the Tenant contacting the support team for log in assistance.
3. As of the day of issuing this order, there are no Board records the Tenant had contacted the support team for log in assistance.

4. With the totality of the submissions before me I am satisfied the Tenant had opportunity to call in to the hearing as there are no indications of what technical issues the Tenant was having.
5. I am satisfied that the Tenant in the least, had a working phone given that Landlord's legal representative Payne was able to communicate with the Tenant the day of the hearing.
6. I find it reasonable to continue with the hearing as an uncontested matter.

Determinations:

7. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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.
8. As of the hearing date, the Tenants were still in possession of the rental unit.
9. The lawful rent is \$1,713.52. It is due on the 1st day of each month.
10. Based on the Monthly rent, the daily rent/compensation is \$56.33. This amount is calculated as follows: $\$1,713.52 \times 12$, divided by 365 days.
11. The Tenants have paid \$2,000.00 to the Landlord since the application was filed.
12. The rent arrears owing to April 30, 2026, are \$2,740.56.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
14. There is no last month's rent deposit.
15. The Landlord's legal representative stated that the Landlord is amenable to a short delay to allow the Tenant time to pay the arrears owing.
16. The Tenant did not attend the hearing to provide submissions for my consideration to delay or deny the Landlord's request.
17. I have considered all 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 Tenants, 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.
18. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$2,926.56 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have 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 Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before April 30, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$1,720.01. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$56.33 per day for the use of the unit starting April 10, 2026, until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before April 30, 2026, the Tenants 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 16, 2026

Date Issued

Greg Brocanier

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 Tenants 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	\$4,740.56
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,000.00
Total the Tenants must pay to continue the tenancy	\$2,926.56

B. Amount the Tenants must pay if the tenancy is terminated:

Rent Owing to Hearing Date	\$3,534.01
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,000.00
Total amount owing to the Landlord	\$1,720.01
Plus, daily compensation owing for each day of occupation starting April 10, 2026	\$56.33 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	