



Order under Section 94 Residential Tenancies Act, 2006

Citation: Chatham-Kent Housing Services v Timmers, 2026 ONLTB 30379

Date: 2026-04-17

File Number: LTB-L-019979-26

In the matter of: 101, 655 Holden St
Dresden ON N0P1M0

Between: Chatham-Kent Housing Services Landlord

And

Henrie Timmers Tenant

Chatham-Kent Housing Services (the 'Landlord') applied for an order to terminate the tenancy and evict Henrie Timmers (the 'Tenant') because:

- the rental unit is the superintendent's premises and the Tenant's employment as superintendent has ended.

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

The Landlord's agent Sherri Gray (SG) and the Tenant Henrie Timmers (HT) attended the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 30, 2026.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Landlord terminated the employment of the Tenant on January 29, 2026. The Tenant has not vacated the superintendent's premises and more than one week has passed since their employment was terminated.
4. The Landlord's agent (SG) submitted that the Landlord provided the superintendent, Mr. Henrie Timmers (HT) written notice to terminate his employment on January 29, 2026 in which it was outlined that he must vacate the superintendent's unit on or before February 5, 2026 as evidenced in DOC-7499216.

5. When the Tenant had not vacated the rental unit by February 5, 2026, the Landlord filed the L2 application with the LTB on March 4, 2026.
6. Pursuant to s. 93 (1) of the Act if a landlord has entered into a tenancy agreement with respect to a superintendent's premises, unless otherwise agreed, the tenancy terminates on the day on which the employment of the tenant is terminated. Further, pursuant to s. 93(2) a tenant shall vacate a superintendent's premises within one week after his or her tenancy is terminated.
7. The Landlord is a social housing provider and requires the unit to permit the hiring of a new superintendent. However, the Landlord has not been able to hire anyone into the position permanently as the unit is not vacated and Landlord requires immediate vacant possession of the unit.
8. The superintendent (HT) submitted that he does not dispute the notice to vacate the unit as his employment has ended with the Landlord. However, as he is bi-polar, is 70 years old, and is currently suffering from severe depression because of the situation as created by the loss of his employment, finding alternative housing has been a challenge.
9. (HT) submits that he has an application pending approval with another Landlord and wishes to remain residing in the unit until April 30, 2026.
10. Pursuant to section 93(3) of the Residential Tenancies Act, 2006 (the 'Act'), the Tenant is not responsible for rent or compensation one week after their tenancy is terminated, however here, the Landlord does not seek daily compensation for the Tenant's use of the unit from February 6, 2026.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
12. There is no last month's rent deposit.

Relief from Eviction

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 for the reasons as follows.
14. The Landlord's agent requested expedited enforcement of this order due to alleged safety risks to tenants in the building, the allegations stemming from pending criminal charges as against (HT). These are allegations that have not been proven in court. And while the Landlord has been servicing the building by relying on an external superintendent, no one has been hired into the role formally nor has the Landlord made final determinations on how they will staff the replacement of the role.
15. (HT) submitted that he has intention to vacate the unit by April 30, 2026, the order extending the date of termination of tenancy to April 30, 2026 was done so in contemplation that (HT) will have new accommodations to move into at the beginning of the month, on May 1, 2026. In arriving at the determination, I also take note of (HT's)

current health status as testified to and his submissions that he understands that he is no longer in the position of superintendent, that he does not and will not act in this capacity for the remainder of time while residing in the complex.

16. Notwithstanding the above outlined reasons, considering that while (HT) made submissions of intent to vacate the unit before May 1, 2026, on the date of the hearing he has not yet been approved nor signed a lease for alternative accommodations. As I am mindful that there can be some delay with the engagement of Sheriff Enforcement, the Sheriff will be directed to expedite the enforcement of this order after April 30, 2026.
17. This order contains all the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 30, 2026.
2. 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.
3. 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. **The Sheriff is requested to expedite the enforcement of this order.**
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenant must pay the Landlord is \$186.00.
6. 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.

April 17, 2026
Date Issued

Alicia Johnson
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 of the Tenant 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.