



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Matanda Homes Limited v Burgess, 2026 ONLTB 31514

Date: 2026-04-22

File Number: LTB-L-059646-25

In the matter of: 40 MILSON CRESCENT
ANGUS ON L3W0C9

Between: Matanda Homes Limited Landlords
Tanya Petracco
Ray Abraham

And

Sharleen Burgess Tenants
Karlee M. Burgess
Nathan L. McComb

Matanda Homes Limited, Tanya Petracco and Ray Abraham (the 'Landlords') applied for an order requiring Sharleen Burgess, Karlee M Burgess and Nathan L. McComb (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on April 15, 2026.

The Landlords Tanya Petracco and Ray Abraham, and the Tenant Sharleen Burgess attended the hearing. The Tenant was authorized to represent the interests of the Tenants Karlee M. Burgess and Nathan L. McComb.

Determinations:

Preliminary issues

1. The Landlords filed an L1 application to collect arrears of rent. However, as a result of material defects in the service of the N4 notice of termination, the Landlords opted to seek an arrears order only, without termination of the tenancy.
2. The Tenants sought to raise tenant's issues under section 82 of the *Residential Tenancies Act, 2006* (the 'Act'). They were required by interim order issued on September 25, 2025 to file a section 82 Issues form or similar pleadings by October 31, 2025, clearly identifying their claims about and remedies for disrepair in the rental unit.

3. The Tenants filed disclosure but failed to serve the proper form. Their disclosure did not address any of the requirements necessary to give the Landlord proper notice of the case to meet. Consequently, I did not permit the Tenants to raise their issues at this hearing.
4. The Tenants filed a T6 application separately on October 30, 2025 and so they may proceed through the LTB process for a determination of that application.

L9 application

5. As of the hearing date, the Tenants were still in possession of the rental unit.
6. The Tenants did not pay the total rent they were required to pay for the period from July 1, 2025 to April 30, 2026.
7. The lawful rent is \$2,500.00.
8. The Tenants have not made any payments since the application was filed.
9. The undisputed rent arrears owing to April 30, 2026 are \$23,025.00.
10. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
11. The parties agreed to a payment plan permitting the Tenants to pay off the arrears within 12 months.
12. The only dispute related to the amount of the instalments to be paid. Based on the Tenants' stated current household income of \$7,500.00, I am satisfied that the Tenants can afford to pay \$750.00 towards the rent arrears monthly for a 12-month period, followed by a lump sum payment to eliminate the arrears.

It is ordered that:

1. The Tenants shall pay to the Landlords \$23,211.00. This amount includes rent arrears owing up to April 30, 2026 and the cost of the application.
2. The Tenants shall pay to the Landlords the amount set out in paragraph 1 in accordance with the following schedule:
 - (a) \$750.00 per month on the 21st day of each and every month starting May 21, 2026 until March 21, 2027, and
 - (b) a final lump sum payment of \$14,961.00 on April 21, 2027.
3. The Tenants shall also pay to the Landlords the lawful rent on time and in full as it comes due and owing for the period May 1, 2026 to April 30, 2027, or until the arrears are paid in full, whichever date is earliest.

4. The Tenants may make additional payments to eliminate the arrears earlier if they choose.
5. If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlords pursuant to paragraph 1 of this order shall become immediately due and owing.
6. If the Tenants fail to make any one of the payments in accordance with this order the Landlords may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after April 30, 2026.

April 22, 2026
Date Issued

Elle Venhola
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.