



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

File Number: LTB-L-005622-26

In the matter of: 131 FIELDING CRES
HAMILTON ON L8V2P7

Between: SHARMILA XAVIER Landlord

And

JUSTIN PENFOLD Tenant

SHARMILA XAVIER (the 'Landlord') applied for an order to terminate the tenancy and evict JUSTIN PENFOLD (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application);
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application); and
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant (L2 Application).

This application was scheduled to be heard by videoconference on April 22, 2026. On that date the parties agreed to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) Rachael Kukoyi.

The Landlord, Sharmila Xavier, the Landlord's Representative, Karl Sadowski, the Landlord's Agent, Andrew Xavier, and the Tenant, Justin Penfold participated in the mediation.

As a result of the mediation, the parties requested an order on consent and I am satisfied that the parties understand the terms and consequences of their consent, including waiving their right to a hearing on this application.

The Parties Agreed That:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The lawful rent is due on the 1st day of each month.
3. The Tenant has paid all arrears owing to the Landlord and the Tenant does not owe any rent arrears for the period ending on April 30, 2026.
4. The Tenant paid the Landlord \$186.00 for the cost of filing the application on April 14, 2026.

5. The Tenant paid the sum of \$230.46 as the arrears on utilities owing up to March 23, 2026.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the Landlord the full monthly rent due on or before the first day of the month for the period of May 1, 2026, to April 1, 2027.
3. For the period of 12 months, starting May 1, 2026, the Tenant shall:
 - a. pay the new water bills in full and on time directly to the Landlord;
 - b. pay the new electricity and gas bills in full and on time directly to the utility company, Alectra Utilities and Enbridge Gas respectively.
4. If the Tenant fails to comply with the conditions set out in paragraph 2 or 3 of this order, the Landlord may apply under section 78 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

April 27, 2026
Date Issued

Rachael Kukoyi
Hearings Officer, 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.