



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

File Number: LTB-L-009598-26

In the matter of: 123, 120 NONQUON RD
OSHAWA ON L1G7E6

Between: Alan Hutchison Landlord

And

Jeff Couke Tenant

Alan Hutchison (the 'Landlord') applied for an order to terminate the tenancy and evict Jeff Couke (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on April 22, 2026 at 09:00 am.

Only the Landlord attended the hearing.

As of 09:30 am, the Tenant was not present or 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.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

3. On February 2, 2026, the Landlord gave the Tenant an N8 notice of termination deemed served on the same date. The notice of termination contains the following allegations:
 - a. Between September 1, 2023 and February 1, 2026, the rent was paid late 21 times.

4. The Landlord then submitted that times the rent was paid on time was when the Teant's employer paid the rent on their behalf but that ceased in September 2025.
5. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late 8 times in the past 8 months in addition to the 21 times prior to November 7, 2024 as supported by the Notice and Landlord's ledger.
6. Since the Notice was served the Tenant has persistently paid the rent late or not at all resulting in the Landlord filing a L1 application for non-payment of rent as covered by file LTB-L-106249-25.

Daily compensation, NSF charges, rent deposit

7. Based on the monthly rent, the daily compensation is \$98.78. This amount is calculated as follows: $\$3,004.57 \times 12$, divided by 365 days.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,874.25 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$38.70 is owing to the Tenant for the period from September 1, 2025 to April 22, 2026.

Relief from eviction

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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
11. Specifically, given the pattern of late payment and the fact the Tenant did not appear, I am satisfied to grant relief would prejudice the Landlord.

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 May 11, 2026.
2. If the unit is not vacated on or before May 11, 2026, then starting May 12, 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 12, 2026.
4. The Tenant shall pay the Landlord compensation of \$98.78 per day for the use of the unit starting May 1, 2026 until the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. The total amount the Tenant must pay the Landlord is \$186.00.

7. If the Tenant does not pay the Landlord the full amount owing on or before May 11, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 12, 2026 at 4.00% annually on the balance outstanding.

April 30, 2026
Date Issued

Kelly Delaney
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 12, 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.