



Order under Section 69 Residential Tenancies Act, 2006

Citation: Marmula v Hiebendaal, 2026 ONLTB 35016

Date: 2026-05-06

File Number: LTB-L-003765-26

In the matter of: 1, 457 BATEMAN LINE
SCOTLAND ON N0E1R0

Between: William Marmula Landlord

And

Christiaan Hiebendaal Tenant

William Marmula (the 'Landlord') applied for an order to terminate the tenancy and evict Christiaan Hiebendaal (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also applied for an Order terminating the tenancy and evicting the Tenant because the Tenant substantially interfered with the Landlord's or another tenant's enjoyment of the rental property.

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 28, 2026.

The Landlord and the Landlord's representative, Reginald Bent, attended the hearing.

As of 10:07 a.m., 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:

Preliminary issue – L2 Withdrawn at Hearing

1. The Landlord indicated their wish to withdraw the L2 application at the beginning of the hearing.
2. There being no prejudice to the Tenant, I consented to the withdrawal.
3. The application having been withdrawn, the LTB's file is now closed.

L1 Application

4. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,418.34. It is due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$46.63. This amount is calculated as follows: $\$1,418.34 \times 12$, divided by 365 days.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to April 30, 2026 are \$17,009.24.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. There is no last month's rent deposit.

Relief from Eviction

12. The Landlord requested a standard order terminating the tenancy and evicting the Tenant unless he voids this Order in the prescribed time. The Landlord testified the Tenant had not made any payments since June 1, 2025. The Landlord also proposed a payment plan in December 2025, but the Tenant did not respond.
13. The Tenant did not attend the hearing, so I have no evidence before me to consider delaying or denying eviction. He has not made any good faith payments since the application was filed, therefore, having considered all of 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 Tenant, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The L2 Application is withdrawn and the LTB's file is closed.
2. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
3. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$ 17,195.24 if the payment is made on or before May 16, 2026. See Schedule 1 for the calculation of the amount owing.

OR

4. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after May 17, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
5. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before May 17, 2026.**
6. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$17,195.24. 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.
7. The Tenant shall also pay the Landlord compensation of \$46.63 per day for the use of the unit starting April 29, 2026 until the date the Tenant moves out of the unit.
8. If the Tenant does not pay the Landlord the full amount owing on or before May 17, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 18, 2026 at 4.00% annually on the balance outstanding.
9. If the unit is not vacated on or before May 17, 2026, then starting May 18, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 18, 2026.

May 6, 2026
Date Issued

Vanessa Davies
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 18, 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 Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 17, 2026

Rent Owing To April 30, 2026	\$17,009.24
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$17,195.24

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$16,914.68
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$17,100.68
Plus daily compensation owing for each day of occupation starting April 29, 2026	\$46.63 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	