



Order under Section 69 Residential Tenancies Act, 2006

Citation: 622703 Ontario Inc. operating as Philmortal Investments v Dracup, 2026 ONLTB 35365

Date: 2026-04-30

File Number: LTB-L-102682-25

In the matter of: 2, 265 AUGUSTA AVE
TORONTO ON M5T2M1

Between: 622703 Ontario Inc. operating as Philmortal Investments Landlord

And

Kymm Dracup Tenant

622703 Ontario Inc. operating as Philmortal Investments (the 'Landlord') applied for an order to terminate the tenancy and evict Kymm Dracup (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 12, 2026.

The Landlord's agent, Brian Doty, the Landlord's legal representative, Darcy Purdy, and the Tenant attended the hearing.

Determinations:

1. 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,153.78. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$70.81. This amount is calculated as follows: \$2,153.78 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2026 are \$12,026.46.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,050.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$143.66 is owing to the Tenant for the period from March 1, 2023 to February 12, 2026.
10. The Tenant did not dispute the arrears. The Tenant testified that she has been unemployed and has been actively applying for work, submitting an extensive list of job applications as evidence. The Tenant has also recently opened a travel business but acknowledged that the income from it is not yet sufficient to meet her financial obligations. The Tenant is working with rent subsidy agencies but was unable to provide any timeline for when assistance might be received. When asked how long she would need to either pay the arrears in full or vacate the unit, the Tenant was unable to provide a clear answer. The Tenant indicated she has been applying for alternative accommodations.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant does not have sufficient income to pay the ongoing rent or to service a repayment plan toward the substantial arrears. While I accept that the Tenant has been making efforts to find employment and alternative housing, and has been engaging with rent subsidy agencies, she was unable to offer any concrete timeline for payment or vacating. Granting relief in those circumstances would be speculative and would result in continued occupation without meaningful payment against arrears that exceed \$12,000.00.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$16,520.02 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$18,673.80 if the payment is made on or before May 11, 2026. See Schedule 1 for the calculation of the amount owing.
3. 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 11, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.

4. **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 11, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$8,714.74. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$70.81 per day for the use of the unit starting February 13, 2026 until the date the Tenant moves out of the unit.
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.
8. 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.
9. 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.

April 30, 2026
Date Issued

Colin Elsby
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 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.

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 April 30, 2026

Rent Owing To April 30, 2026	\$16,334.02
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$16,520.02

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 11, 2026

Rent Owing To May 31, 2026	\$18,487.80
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$18,673.80

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

Rent Owing To Hearing Date	\$10,722.40
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,050.00
Less the amount of the interest on the last month's rent deposit	- \$143.66
Total amount owing to the Landlord	\$8,714.74
Plus daily compensation owing for each day of occupation starting February 13, 2026	\$70.81 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	