



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-007134-26

In the matter of: 192 PENROSE ST
SARNIA ON N7T4V2

Between: MARGARET POSTOWOJ Landlord

And

KAYLA RILEY Tenant

MARGARET POSTOWOJ (the 'Landlord') applied for an order to terminate the tenancy and evict KAYLA RILEY (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. L1 application.

MARGARET POSTOWOJ (the 'Landlord') also applied for an order requiring KAYLA RILEY (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement. L2 application.

These applications were heard by videoconference on April 27, 2026 at 09:00 am.

The Landlord Representative Preston Haynes and the Tenant attended the hearing.

Preliminary issues:

1. At the outset of the hearing the Tenant requested an adjournment claiming they were currently in hospital and had submitted photographic evidence in support.
2. In response the Landlord Representative opposed the request, submitting they would only be proceeding with the L1 application and would not require a significant amount of time.
3. Having reviewed the file, seeing no evidence had been uploaded as claimed, I denied the request and directed the matter to proceed immediately.

Determinations:

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 \$1,050.00. It is due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$34.52. This amount is calculated as follows: $\$1,050.00 \times 12$, 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 \$14,700.00.
10. The Tenant did not oppose the arrears claiming that there was a error with their Ontario Works payments and requested a delay of two eeks so that they would be able to process the payments and clear the arrears.
11. The Landlord Representative opposed the request, citing the amount of arears owing and lack of payment since the application was filed.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. There is no last month's rent deposit.
14. I have 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.
15. Specifically, given the Tenant's submissions, and the fact that by the time this order is issued they voiding period would exceed the two weeks sought, I am satisfied to grant any further relief would prejudice the Landlord.

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:**
 - \$15,936.00 if the payment is made on or before May 16, 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 16, 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 16, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$14,768.04. 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.
6. The Tenant shall also pay the Landlord compensation of \$34.52 per day for the use of the unit starting April 28, 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 16, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 17, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 16, 2026, then starting May 17, 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 17, 2026.

May 5, 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 expires on November 17, 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 16, 2026

Rent Owing To May 31, 2026	\$15,750.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$15,936.00

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

Rent Owing To Hearing Date	\$14,582.04
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$14,768.04
Plus daily compensation owing for each day of occupation starting April 28, 2026	\$34.52 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	