



Order under Section 69 Residential Tenancies Act, 2006

Citation: Niagara Regional Housing v Palmer, 2026 ONLTB 35748

Date: 2026-05-07

File Number: LTB-L-012428-26

In the matter of: 14, 6938 AILANTHUS AVE
NIAGARA FALLS ON L2G4C8

Between: Niagara Regional Housing Landlord

And

Ashley Palmer Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Palmer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2026.

The Landlord's Agent, Dina Del Grande, 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 notice or before the day the application was filed.
2. As of the hearing date, the Tenant is still in possession of the rental unit.
3. The lawful rent is \$292.00. It is due on the 1st day of each month.
4. The Tenant has paid \$300.00 to the Landlord since the application was filed.
5. The rent arrears owing to April 30, 2026 are \$1,202.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. Accordingly, the total amount the Tenant owes the Landlord is \$1,388.00.

Relief from eviction

8. The Landlord's agent submitted that the Landlord is seeking an 11-day standard order. She explained that the Tenant's behaviour is recurring, as the Tenant complies with a payment plan for a period of time and then ceases making rent payments once the plan is completed. This results in the Landlord having to serve a further N4 notice of termination and file an additional L1 application. The Landlord's agent stated that the Landlord does not believe the tenancy is sustainable and lacks confidence that the Tenant's behaviour would change even if a new repayment plan were imposed.
9. The Tenant testified that she does not wish to vacate the rental unit and proposed a repayment plan. She explained that she has been engaged in long-term therapy and has made progress that has enabled her to seek employment. She further testified that she receives \$2,300.00 per month through the Ontario Disability Support Program (ODSP). She stated that she has provided her ODSP caseworker with the required documentation to have the monthly rent paid directly to the Landlord, commencing in June 2026, and has applied for rent assistance.
10. The Tenant further testified that, based on her current income and expenses, and in the event she is not approved for rent assistance, she would be able to make an additional monthly payment of \$200.00 to the Landlord toward the rent arrears.
11. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
12. The Tenant has resided in the rental unit with her two young children for the past five years. Although the Landlord's agent submitted that the Landlord lacks confidence that the Tenant will not repeat her prior rent-payment history, based on the evidence before me, I am satisfied that the prejudice to the Tenant outweighs any prejudice to the Landlord. Accordingly, a repayment plan shall be imposed pursuant to section 78 of the Act.
13. The Landlord's agent and the Tenant were provided with my decision orally at the hearing. The Tenant confirmed she understood the lawful monthly rent must be paid on May 1, 2026 and if not paid, the Landlord may file an application for eviction in accordance with section 78 of the Act.

It is ordered that:

1. The Landlord's application for eviction of the Tenant is denied on the condition that the Tenant shall pay to the Landlord \$1,388.00, which represents the rent arrears and costs owing up to and including April 30, 2026.
2. The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

- a) **\$200.00 (arrears and costs)** on or before June 1, 2026 and every month thereafter on or before the 1st day of each corresponding month for a total of 6 months up to and including November 1, 2026; and
 - b) **\$188.00 (balance of arrears)** on or before December 1, 2026 (the 7th month).
 - c) The Tenant shall also pay the Landlord the lawful monthly rent for the months of May 2026 up to and including December 2026 in full, and on or before the first day of each corresponding month.
3. If the Tenant fails to make any of the payments in accordance with paragraph 2 of this order, and by the dates required, then:
- a) The Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a payment condition set out in paragraph 2 of this order.
 - b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

May 7, 2026
Date Issued

Susan Priest
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.