



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-070917-25

LTB-L-019868-26

In the matter of: UPPER, 386 BUNTING RD
ST CATHARINES ON L2M3Y9

Between: Christopher Macknie Landlord

And

Peter Higgins Tenant

Christopher Macknie (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Higgins (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes; (L1 Application)
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant; and (L2 Application)
- the Tenant or another occupant of the rental unit has committed an illegal act or has misrepresented income in a Rent-Geared-to-Income Rental Unit. (L2 Application)

The Landlord also applied for an order requiring 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.

On November 19, 2025, this application was heard by videoconference. The Landlord's agent and son, Christopher Macknie, and the Tenant attended the hearing. The Landlord was represented by John Dickie. By Interim Order LTB-L-070917-25-IN issued on December 4, 2025, the hearing of the Landlord's L1 and L2 applications were adjourned to a date to be scheduled by the LTB.

On March 8, 2026, the Landlord filed a request to Shorten Time on the basis that the Landlord is being significantly prejudiced by the increasing expenses associated with the rental unit due to the Tenant's on-going failure to pay rent and utility costs.

This application was heard by videoconference on April 15, 2026. The Landlord's legal representative John Dickie, the Landlord, the Tenant, and the Tenant's support, Lori Luckinuk attended the hearing.

Before the start of the hearing, the parties advised that they had reached an agreement and requested the assistance of a Hearings Officer. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent.

I was satisfied that the parties understood the terms and consequences of their consent.

Agreed Facts:

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 \$525.00. It is due on the last day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$17.26. This amount is calculated as follows: $\$525.00 \times 12$, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2026 are \$5,250.00.
7. The Landlord agrees to waive the application filing fee of \$186.00.
8. The Tenant will pay to the Landlord \$1,927.24 for outstanding water bills owing for the period April 14, 2021 to February 1, 2026.
9. Parties also agree that the water bill for the period February 2, 2026 to April 30, 2026 will be paid by the Tenant in May 2026.
10. The Landlord agrees to waive the cost for regular water usage that becomes due and owing for the period May 1, 2026 to June 30, 2026.
11. There is no last month's rent deposit.
12. Parties agree that daily compensation for the month of April 2026 will be paid by the Tenant on or before April 30, 2026.
13. The Landlord agrees to waive the lawful monthly rent for May 2026 and June 2026.
14. Parties agreed to a final, non-voidable eviction order based on the parties' agreement to terminate the tenancy on June 30, 2026.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated and the Tenant must move out of the rental unit on or before June 30, 2026.

2. The Tenant owes to the Landlord \$7,177.24. This amount includes rent arrears owing up to March 30, 2026 and the outstanding water bills owing for the period April 14, 2021 to February 1, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay to the Landlord compensation of \$17.26 per day for the use of the unit starting April 1, 2026 to April 30, 2026 on or before April 30, 2026.
4. The Tenant shall pay to the Landlord the amount set out in paragraph 2 of this order in accordance with the following schedule:
 - a. Payments of \$299.05 on or before the 15th day of each month starting July 15, 2026, and continuing each month until June 15, 2028.
5. If the Tenant fails to make any payment required by paragraphs 3 & 4 of this order, the entire amount owing pursuant to paragraphs 2 & 3 of this order shall become immediately due and owing and the Tenant will start to owe interest from the day following the breach. This will be simple interest calculated at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 30, 2026, then starting July 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. If the unit is not vacated on or before June 30, 2026, the Tenant shall also pay the Landlord compensation of \$17.26 per day for the use of the unit starting July 1, 2026 until the date the Tenant moves out of the unit.
8. 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 July 1, 2026.

May 7, 2026
Date Issued

Britney Sooknanan
Hearings Officer, 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 January 1, 2027 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 upon termination of the tenancy

Rent Owing To March 30, 2026	\$5,250.00
Water Bills Owing for the period April 14, 2021 to February 1, 2026	\$1,927.24
Total amount owing to the Landlord	\$7,177.24
Plus daily compensation owing for each day of occupation starting April 1, 2026	\$17.26 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	