



Order under Section 69 Residential Tenancies Act, 2006

Citation: Arcojada v MC Mullen, 2026, ONLTB 36661

Date: 2026-05-12

File Number: LTB-L-015454-26

In the matter of: MAIN FLOOR, 68 WEIR ST S
HAMILTON ON L8K3A6

Between: Jonalyn Arcojada Landlords
Rhealyn Acosta
Rebecca Cruz

And

John William Cody MC Mullen Tenant

Jonalyn Arcojada, Rhealyn Acosta and Rebecca Cruz (the 'Landlords') applied for an order to terminate the tenancy and evict John William Cody MC Mullen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 4, 2026.

The Landlords' paralegal, Lisa Barder, and the Tenant attended the hearing.

Preliminary Issues:

Disclosure for s.82 issues

1. Section 82 of the Act provides that a tenant shall be permitted to raise any issue that could be the subject of an application if the tenant complies with the disclosure requirements or provides a satisfactory explanation as to why they could not comply with the disclosure requirements.
2. The Act requires a tenant to give advance notice of the issues to the Landlord within the time set out in the Rules. The Board's Rules require that disclosure must be made to the Landlord and the Board as soon as possible but no later than 7 days before the hearing of the Landlord's application.
3. The Tenant submitted no disclosure to the Board and the Landlord. The Tenant did not provide a satisfactory explanation as to why they were unable to comply with the requirement to raise s. 82 in advance so that the Landlord knows the case to be met.

4. I believe it would be procedurally unfair and prejudicial to the Landlord to permit the Tenant to raise issues under section 82 at this hearing given the Tenant's lack of proper disclosure, which affects the Landlord's ability to know the case to be met. The Tenant is not precluded from bringing their own separate application to address this issue.

Determinations:

1. The Landlords 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 \$2,100.00. It is due on the 3rd day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$69.04. This amount is calculated as follows: \$2,100.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The parties agree that the rent arrears owing to June 2, 2026, are \$12,440.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. 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 Landlords 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.
10. The Tenant testified that due to Landlords behaviour he stopped paying rent. The Tenant has the money available to pay the arrears. Since the Tenant has the funds available to pay off the arrears, there is no reason before me to delay or deny eviction.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
 - \$12,626.00 if the payment is made on or before May 23, 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 23, 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 23, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$10,664.08. 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 Landlords compensation of \$69.04 per day for the use of the unit starting May 5, 2026, until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before May 23, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 24, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 23, 2026, then starting May 24, 2026, the Landlords 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 Landlords on or after May 24, 2026.

May 12, 2026
Date Issued

Sheena Brar
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 24, 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 23, 2026

Rent Owing To June 2, 2026	\$12,440.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$12,626.00

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

Rent Owing To Hearing Date	\$10,478.08
Application Filing Fee	\$186.00
Total amount owing to the Landlords	\$10,664.08
Plus, daily compensation owing for each day of occupation starting May 5, 2026	\$69.04 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	