



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-091631-25

In the matter of: 707, 440 RATHBURN RD
ETOBICOKE ON M9C3S7

Between: MetCap Living Management Inc. Landlord

And

Hazel Godoyo Tenant
Alexander Boyd

MetCap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Hazel Godoyo and Alexander Boyd (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 5, 2026.

The Landlord's Legal Representative Adriana Shaw 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. This matter was adjourned from January 13, 2026, due to scheduling overflow. Interim order LTB-L-091631-25-IN issued on January 15, 2026, required the Tenant to pay the monthly rent from February 1, 2026, until the matter was resolved. As the Tenant disputed the amount of monthly rent being charged, they were ordered to pay \$2820.00 per month; according to the Landlord, this was the rent amount to November 30, 2025, it increased on December 1, 2025. The Tenant testified they did not pay any rent since the last hearing as the amount is wrong; the monthly rent should only be \$2,549.00, the amount it was when they moved into the unit. As to their section 83 issues, the evidence was served as required; the Board and the Landlord were sent the link.
4. As the Tenant acted contrary to the interim order by not paying the monthly for February through May 2026, the matter is proceeding based solely on the Landlord's application

pursuant to paragraph 9 of that order which says if the Tenant does not comply with the requirement to pay the ongoing rent, the Member may refuse to accept or consider the Tenant's evidence and submissions. As to the Tenant's section 83 issues, the Tenant may file their own application(s) and serve the evidence accordingly; the link submitted with respect to this matter did not work.

5. The lawful rent is \$2,899.72. It is due on the 1st day of each month.
6. Based on the Monthly rent, the daily rent/compensation is \$95.33. This amount is calculated as follows: \$2,899.72 x 12, divided by 365 days.
7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to May 31, 2026 are \$28,714.32.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$2,679.00 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.
11. Interest on the rent deposit, in the amount of \$91.02 is owing to the Tenant for the period from December 1, 2024 to May 5, 2026.
12. 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 pursuant to subsection 83(1)(a) of the Act. The Tenant requested until the end of June to make payment or vacate; the Landlord's Legal Representative agreed.

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:**
 - \$28,900.32 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$31,800.04 if the payment is made on or before June 30, 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 June 30, 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 June 30, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$23,707.23. 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 \$95.33 per day for the use of the unit starting May 6, 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 June 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.
8. 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.
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 July 1, 2026.

May 11, 2026
Date Issued

Diane Wade
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 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 to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2026

Rent Owing To May 31, 2026	\$28,714.32
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$28,900.32

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before June 30, 2026

Rent Owing To June 30, 2026	\$31,614.04
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$31,800.04

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

Rent Owing To Hearing Date	\$26,291.25
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,679.00
Less the amount of the interest on the last month's rent deposit	- \$91.02
Total amount owing to the Landlord	\$23,707.23
Plus daily compensation owing for each day of occupation starting May 6, 2026	\$95.33 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	