



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

File Number: LTB-L-017052-26

In the matter of: A, 6 REDWOOD AVE
TORONTO ON M4L2S6

Between: Dawn Goldthorpe, Estate Trustee for The Estate of Terence Andrew Goldthorpe Landlord

And

Amy Buckner Tenant

Dawn Goldthorpe, Estate Trustee for The Estate of Terence Andrew Goldthorpe (the 'Landlord') applied for an order to terminate the tenancy and evict Amy Buckner (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's Representative, Derek Zwaan, attended the hearing.

As of 10:08am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The application is amended to correct the Landlord's name from 'Dawn Goldthorpe' to 'Dawn Goldthorpe, Estate Trustee for The Estate of Terence Andrew Goldthorpe'. There is no prejudice to the Tenant as the N4 notice states the correct name.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$1,200.00. It is due on the 1st day of each month.
5. Based on the monthly rent, the daily rent compensation is \$39.45. This amount is calculated as follows: \$1,200.00 x 12, divided by 365 days.

6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to May 31, 2026, are \$50,600.00.
8. The rent arrears owing to the Landlord are more than the LTB's monetary jurisdiction. Under subsection 207(1) of the Residential Tenancies Act, 2006 (the 'Act') the LTB may order payment up to \$50,000.00. Proceeding with this application at the LTB extinguishes any rights the Landlord may have to claim the full amount owing at the LTB or a court. The Landlord was made aware of the LTB's monetary jurisdiction and chose to proceed with this application.
9. The Tenant is being ordered to pay up to a maximum of \$50,000.00 for rent arrears, plus the Landlord's cost of filing the application, if the Tenant does not void the order. However, in the recent decision of *Galaxy Real Estate Core Ontario LP v. Kirpichova et al.*, 2023 ONSC 4356, the Divisional Court recently confirmed that the Board's monetary jurisdiction does not apply to the amount the Tenants must pay if they choose to void the order and continue the tenancy in accordance with section 74(4) of the Act. Therefore, I find that the Tenants must pay the full arrears owing, plus the Landlord's costs, if they want to continue this tenancy.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$1,200.00 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.
12. Interest on the rent deposit, in the amount of \$119.69 is owing to the Tenant for the period from March 1, 2022, to May 4, 2026.
13. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
14. The Tenant was not present at the hearing to share evidence with respect to their circumstances. The Tenant has not made any rent payments, and the rent arrears have increased substantially since the application was filed. There is no reason before me to delay or deny eviction.

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:**
 - \$50,786.00 if the payment is made on or before May 22, 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 22, 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 22, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$48,424.11. 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 \$39.45 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 Landlord the full amount owing on or before May 22, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 23, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 22, 2026, then starting May 23, 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 23, 2026.

May 11, 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 23, 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 22, 2026

Rent Owing to May 31, 2026	\$50,600.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$50,786.00

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

Rent Owing to Hearing Date	\$49,557.80
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,200.00
Less the amount of the interest on the last month's rent deposit	- \$119.69
Total amount owing to the Landlord	\$48,424.11
Plus, daily compensation owing for each day of occupation starting May 5, 2026	\$39.45 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	