



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-011145-26

In the matter of: 1, 15 ARTHUR AVE S
HAMILTON ON L8M2H3

Between: Live Well Property Management Ltd Landlord

And

Phil O'Brien Tenant

Live Well Property Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Phil O'Brien (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The parties attended a hearing on May 5, 2026, by video conference where the parties elected to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) Diego Fernandez-Stoll.

The Landlord's agent Jardena Goldshtein and the Tenant Phil O'Brien, participated in the mediation.

The parties agreed to resolve all matters raised in the application and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

The parties agreed that:

1. The application will be amended to remove the Tenant 'Diana Lozada' from the application and order as she has moved out of the rental unit.
2. The total rent arrears owing up to May 31, 2026, including the application filing fee are \$7,123.66.
3. The lawful rent is \$2,144.04. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$70.49. This amount is calculated as follows: \$2,144.04 x 12, divided by 365 days.
5. The Landlord collected a rent deposit of \$1,950.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$197.41 is owing to the Tenant for the period from April 1, 2022 to May 5, 2026, making the total deposit \$2,147.41.
6. The rent deposit will be applied to the rent that will become due and payable for July 2026 leaving rent deposit balance of \$3.37 which will be applied to the total arrears of rent, leaving a balance owing of \$7,120.29 (\$7,123.66 – \$3.37).
7. The parties agree to a final, non-voidable eviction order with an eviction date of July 31, 2026. The application is amended to include an L3 application based on the parties' agreement to terminate the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under subsections 74(4) or 74(11) of the Residential Tenancies Act, 2006 (the 'Act') by paying the outstanding rent arrears.
8. The parties acknowledge and understand that if the Tenant vacates the rental unit before the termination date, the Landlord will credit the total amount owing by the Tenant for each day the Tenant vacates the rental unit ahead of the termination date.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 31, 2026.
2. If the rental unit is not vacated on or before July 31, 2026, then starting August 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 August 1, 2026.
4. The Tenant shall also pay the Landlord compensation of \$70.49 per day for the use of the unit starting August 1, 2026, until the date the Tenant moves out of the unit.
5. The Tenant shall pay to the Landlord the monthly rent that will become due and payable for June 2026 in full on or before **June 1, 2026**.
6. The Tenant shall also pay to the Landlord \$7,120.29 in accordance with the following schedule:
 - a) \$2,144.04 payable on or before July 1, 2026
 - b) \$4,976.25 payable on or before July 31, 2026

7. If the Tenant fails to make any one of the payments in accordance with paragraphs 5 or 6a) of this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 6 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after **May 31, 2026**. This may result in the Board issuing an order that terminates the tenancy before July 31, 2026.
8. If the Tenant does not pay the Landlord in accordance with paragraph 6b) of this order, the Tenant will start to owe interest. This will be simple interest calculated from August 1, 2026, at 4.00% annually on the balance outstanding.

May 13, 2026
Date Issued

Diego Fernandez-Stoll
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 of the Tenant expires on February 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.