



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-103395-25-RV

In the matter of: Main Floor, 2957 ST CLAIR AVE E
EAST YORK ON M4B1N9

Between: Stephen Jacobs
Phillip Jacobs Landlord

And

Darlene Gardner
Damien Gardner Tenant

Review Order

Stephen Jacobs and Phillip Jacobs (the 'Landlord') applied for an order to terminate the tenancy and evict Darlene Gardner and Damien Gardner (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-103395-25 issued on March 11, 2026.

On March 18, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 19, 2026, interim order LTB-L-103395-25-RV-IN was issued, staying the order issued March 11, 2026.

This review request was heard by videoconference on May 11, 2026.

The Landlord's Legal Representative, Harvey Feifel, the Landlord, Phillip Jacobs, and the Tenant, Darlene Gardner, attended the hearing.

The parties before the LTB consented to the following order. For the record, the review request was heard by the Board and granted at the hearing. Given the Landlord's subsequent consent to the Tenant's review request, there is no need to address my determinations on the review request in this order.

At the hearing, the parties agreed:

The Review Request

1. The Tenant alleged that they were not reasonably able to participate in the proceeding that took place on March 3, 2026.
2. The Landlord consented to the Tenant's review request. As such, the Tenant's review request is granted and the hearing *de novo* proceeded on the Landlord's application.

L1 Application

4. The Landlord served the Tenant with a 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.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$3,600.00. It is due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$118.36. This amount is calculated as follows: \$3,600.00 x 12, divided by 365 days.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to May 31, 2026 are \$29,900.00.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. There is no last month's rent deposit.

On consent it is ordered that:

1. The request to review order LTB-L-103395-25 issued on March 11, 2026 is granted.
2. Order LTB-L-103395-25 issued on March 11, 2026 is cancelled and replaced with this order.
3. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
4. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$30,086.00 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.
5. 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 31, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
6. **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 31, 2026.**

7. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$27,787.96. 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.
8. The Tenant shall also pay the Landlord compensation of \$118.36 per day for the use of the unit starting May 12, 2026 until the date the Tenant moves out of the unit.
9. If the Tenant does not pay the Landlord the full amount owing on or before May 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.
10. If the unit is not vacated on or before May 31, 2026, then starting June 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
11. 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 June 1, 2026.

May 13, 2026
Date Issued

Vicky Liu
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 December 1, 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 31, 2026

Rent Owing To May 31, 2026	\$29,900.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$30,086.00

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

Rent Owing To Hearing Date	\$27,601.96
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$27,787.96
Plus daily compensation owing for each day of occupation starting May 12, 2026	\$118.36 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	