



## Order under Section 78(6) Residential Tenancies Act, 2006

File Number: LTB-L-040827-26

**In the matter of:** BASEMENT, 74 EUCLID AVE  
TORONTO ON M6J2J9

**Between:** Zachary Lebane Landlords  
Jonah Eisen

**And**

Megan Herckenrath Tenants  
Melissa Pelleriti

Zachary Lebane and Jonah Eisen (the 'Landlords') applied for an order to terminate the tenancy and evict Megan Herckenrath and Melissa Pelleriti (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on April 17, 2026, with respect to application LTB-L-010390-26.

This application was decided without a hearing being held.

### Determinations:

1. The order provides that the Landlords can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition specified in the order:

**The Tenants failed to pay to the Landlords the lawful rent of \$1,850.00 by May 1, 2026.**

3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlords are entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$12,936.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$12,936.00 and that amount is included in this order. This order replaces order LTB-L-010390-26.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from May 1, 2026, to May 30, 2026.

6. The Landlords collected a rent deposit of \$1,850.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from March 1, 2023, to May 15, 2026.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
9. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants moves out of the unit at a daily rate of \$60.82. This amount is calculated as follows: \$1,850.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order LTB-L-010390-26 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 26, 2026.
3. If the unit is not vacated on or before May 26, 2026, then starting May 27, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 27, 2026.
5. The Tenants shall pay to the Landlords \$11,858.86. **(Less any payments made by the Tenants after this application was filed on May 8, 2026).** This amount represents the rent owing up to May 15, 2026, and the cost of filing the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
6. The Tenants shall also pay to the Landlords \$60.82 per day for compensation for the use of the unit starting May 16, 2026, to the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before May 26, 2026, the Tenants will start to owe interest. This will be a simple interest calculated from May 27, 2026, at 4.00% annually on the balance outstanding.

**May 15, 2026**  
**Date Issued**

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Kimberly Parish  
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,  
Toronto ON M7A 2G6

The Tenants have until May 25, 2026, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by May 25, 2026, the order will be stayed and the LTB will schedule a hearing.

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 27, 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.

\* Refer to the attached Summary of Calculations.

### **Summary of Calculation**

#### **Amount the Tenants must pay the Landlords:**

| <b>Reason for amount owing</b>                                                 | <b>Period</b>                  | <b>Amount</b>                                              |
|--------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------|
| Amount owing from previous order                                               | Up to April 30, 2026           | \$12,936.00                                                |
| New Arrears                                                                    | May 1, 2026, to May 15, 2026   | \$912.30                                                   |
| Less the rent deposit:                                                         |                                | -\$1,850.00                                                |
| Less the interest owing on the rent deposit                                    | March 1, 2023, to May 15, 2026 | -\$139.44                                                  |
| Plus daily compensation owing for each day of occupation starting May 16, 2026 |                                | \$60.82 (per day)                                          |
| <b>Total the Tenants must pay the Landlords:</b>                               |                                | <b>\$11,858.86 + \$60.82 per day starting May 16, 2026</b> |