



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

File Number: LTB-L-092030-25-BIR

In the matter of: 571 LILITH ST
NEPEAN ON K2J6Z5

Between: Colince Donfack Landlord

And

Shawna Wood Tenant

Review Order

Colince Donfack (the 'Landlord') applied for an order to terminate the tenancy and evict Shawna Wood (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-092030-25 issued on April 2, 2026.

On April 14, 2026, interim order, LTB-L-092030-25-BIR-IN, was issued initiating a request for review of the order and directing the matter to a hearing.

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

Only the Landlord attended the hearing. I was satisfied that the Tenant had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 9:30 a.m.

Determinations:

Review Request

1. The LTB initiated this review to determine if the LTB may have seriously erred in delaying the issuance of the order, LTB-L-092030-25, to a date that may have frustrated the Landlord's ability to file an L4 application within the 30-day requisite timeframe pursuant to section 78 of the *Residential Tenancies Act, 2006* (the 'Act').
2. At the review hearing, the Landlord submitted that the request to review be granted as he believed it was a serious error since the order was only issued on April 2, 2026 but required the Tenant to make payments as of January 31, 2026 which were not made.
3. For the reasons that following, I was satisfied that there is a serious error in the order and an error in the proceeding.

4. The order, LTB-L-092030-25, was only issued on April 2, 2026 found that the rent arrears owing to January 31, 2026 including the costs are \$5,386.00 and required the Tenant to make payments towards this amount. Those payments included \$2,650.00 on or before January 31, 2026, and then \$547.20 on or before the 1st day of each month starting February 1, 2026 to June 1, 2026. The order then provided that if the Tenant did not make the payments as ordered the Landlord may apply pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant.

5. Subsection 78(1) of the Act provides that:

(1) A landlord may, without notice to the tenant, apply to the Board for an order terminating a tenancy or evicting the tenant if the following criteria are satisfied:

1. The landlord previously applied to the Board for an order terminating the tenancy or evicting the tenant.

2. A settlement agreed to under section 194 or order made with respect to the previous application,

i. imposed conditions on the tenant that, if not met by the tenant, would give rise to the same grounds for terminating the tenancy as were claimed in the previous application, and

ii. provided that the landlord could apply under this section if the tenant did not meet one or more of the conditions described in subparagraph i.

3. The tenant has not met one or more of the conditions described in subparagraph 2 i.

6. Subsection 78(5) of the Act provides that:

An application under this section shall not be made later than 30 days after a failure of the tenant to meet a condition described in subparagraph 2 i of subsection (1).

7. Given that subsection 78(5) of the Act limits the Landlord's ability to file an application under that section to no later than thirty (30) days after a failure of the Tenant to meet a condition, and there are payment (conditions) to be met on January 31, 2026, February 1, 2026, and March 1, 2026, which are dates that are more than thirty (30) days prior to the order, LTB-L-092030-25, being issued on April 2, 2026, the Landlord's right to file under section 78 for breaches of those conditions would have been frustrated. Therefore, the order contains a serious error.

8. Consequently, the review is granted. The application was immediately reheard.

L1 application

9. 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.

10. As of the hearing date, the Tenant was still in possession of the rental unit.
11. The lawful rent is \$2,600.00. It is due on the 1st day of each month.
12. Based on the Monthly rent, the daily rent/compensation is \$85.48. This amount is calculated as follows: $\$2,600.00 \times 12$, divided by 365 days.
13. The Tenant has paid \$9,200.00 to the Landlord since the application was filed.
14. The rent arrears owing to May 31, 2026 are \$15,600.00.
15. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
16. The Landlord collected a rent deposit of \$2,495.00 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.
17. Interest on the rent deposit, in the amount of \$232.34 is owing to the Tenant for the period from July 1, 2022 to May 11, 2026.
18. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act, including whether the Landlord attempted to negotiate a repayment agreement with the Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The request to review order LTB-L-092030-25 issued on April 2, 2026 is granted. The order is cancelled and replaced by the following:
2. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
3. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$15,786.00 if the payment is made on or before May 26, 2026. See Schedule 1 for the calculation of the amount owing.
4. 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 26, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
5. **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 26, 2026.**

6. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$11,398.94. 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.
7. The Tenant shall also pay the Landlord compensation of \$85.48 per day for the use of the unit starting May 12, 2026 until the date the Tenant moves out of the unit.
8. If the Tenant does not pay the Landlord the full amount owing on or before May 26, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 27, 2026 at 4.00% annually on the balance outstanding.
9. If the unit is not vacated on or before May 26, 2026, then starting May 27, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 27, 2026.

May 15, 2026
Date Issued

Lisa Del Vecchio
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 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.

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 26, 2026

Rent Owing To May 31, 2026	\$24,800.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$9,200.00
Total the Tenant must pay to continue the tenancy	\$15,786.00

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

Rent Owing To Hearing Date	\$23,140.28
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$9,200.00
Less the amount of the last month's rent deposit	- \$2,495.00
Less the amount of the interest on the last month's rent deposit	- \$232.34
Total amount owing to the Landlord	\$11,398.94
Plus daily compensation owing for each day of occupation starting May 12, 2026	\$85.48 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	

