



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

File Number: LTB-L-019946-26

In the matter of: 1407, 877 YONGE ST
TORONTO ON M4W3M2

Between: St. Clare's Housing Landlord

And

Marcus Lima De Carvalho Tenant

St. Clare's Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Marcus Lima De Carvalho (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 14, 2026.

The Landlord's representative, Sana Hayat, the Landlord's agent, Ted Yoon, and the Tenant attended the hearing.

At the hearing the Tenant requested an adjournment as they required an accommodation. When I asked the Tenant about the accommodation, they said they require the support of family as per their doctor. The Landlord opposed the adjournment request. I denied the adjournment request as the Tenant had submitted that they have been living with their family for over a year. If the Tenant has been living with their family and require their support, they had since April 10, 2026 (the date the Notice of hearing was sent out by the Board), to seek this accommodation, but no requests were made prior to the hearing. I am not convinced that by adjourning the matter that the Tenant will be able to find the accommodation they are seeking as they were also unsure of how the Board were to accommodate them.

Determinations:

1. 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,317.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$43.30. This amount is calculated as follows: \$1,317.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The parties agreed the rent arrears owing to May 31, 2026 are \$7,212.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,145.00 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.
9. Interest on the rent deposit, in the amount of \$120.56 is owing to the Tenant for the period from July 1, 2021 to May 14, 2026.

Relief from eviction

10. The Tenant requested a delayed eviction, providing them with up to two months to pay off all rent arrears. The Landlord opposed the Tenant's request. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (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. The Tenant has not lived in the rental unit for over a year as they are currently living with family. The Tenant also testified that they are currently not working, and their Ontario Disability Support Payments ("ODSP") have stopped because they are not living in the rental unit. I find that this tenancy is no longer viable for the Tenant and by delaying the eviction would not only prejudice the Landlord, but also the Tenant as rent arrears would continue to accumulate.

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:**
 - \$7,398.00 if the payment is made on or before May 31, 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 31, 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 31, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$5,421.64. 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 \$43.30 per day for the use of the unit starting May 15, 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 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.
8. 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.
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 June 1, 2026.

May 20, 2026
Date Issued

Vishal Nanda
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	\$7,212.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$7,398.00

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

Rent Owing To Hearing Date	\$6,501.20
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,145.00
Less the amount of the interest on the last month's rent deposit	- \$120.56
Total amount owing to the Landlord	\$5,421.64
Plus daily compensation owing for each day of occupation starting May 15, 2026	\$43.30 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	