



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

File Number: LTB-L-109308-25-RV

In the matter of: 1104, 57 FOREST AVE
HAMILTON ON L8N1X3

Between: Greenwin Corp. Landlord

And

Peter Franklin Tenant

Review Order

Greenwin Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Franklin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-109308-25 issued on March 19, 2026.

On March 19, 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-109308-25-RV-IN was issued, staying the order issued on March 19, 2026.

This application was heard by videoconference on May 12, 2026.

The Landlord's legal representative Frannie Simms and the Tenant attended the hearing.

Determinations:

Request for Review

1. The Tenant filed a Request to Review an order issued March 19, 2026 as he alleged he was unable to reasonably participate.
2. The Tenant testified that he was put on medication on February 7, 2026 as a result of surgery. On the date of the original hearing, March 10, 2026, the Tenant was at home but slept through his alarm as a result of being heavily medicated. He eventually called into the hearing block but was told the hearing concluded.
3. In *King-Winton v. Doverhold Investments Ltd.*, [2008 CanLII 60708](#) ('*King-Winton*'), the Divisional Court held that "being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less."

4. Based on the evidence and submissions at the hearing, I find that the Tenant intended to participate however due to medication which stemmed from a surgery he was unable to log into the hearing room. I am satisfied that the Tenant was not reasonably able to participate in the proceeding. As a result the review is granted.

L1 Application

5. The parties agree on the following:

- 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.
- As of the hearing date, the Tenant was still in possession of the rental unit.
- The lawful rent is \$1,658.49. It is due on the 1st day of each month.
- Based on the Monthly rent, the daily rent/compensation is \$54.53. This amount is calculated as follows: \$1,658.49 x 12, divided by 365 days.
- The Tenant has paid \$3,929.77 to the Landlord since the application was filed.
- The rent arrears owing to May 31, 2026 are \$6,021.17.
- The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
- The Landlord collected a rent deposit of \$1,658.49 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.
- Interest on the rent deposit, in the amount of \$12.60 is owing to the Tenant for the period from January 1, 2026 to May 12, 2026.

Relief from eviction

6. The Tenant testified that he is currently hospitalized following a recent surgery. He advised that he has no source of income other than Ontario Works, from which he receives \$685.00 per month. He is currently awaiting a decision on his ODSP application, and, if approved, anticipates receiving a backpay.
7. The Tenant acknowledged that he is currently unable to afford the rent and requires assistance in order to meet the ongoing rent payments.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the "Act"), and I find that it would not be unfair to postpone the eviction until June 30, 2026, pursuant to subsection 83(1)(b) of the Act. In my view, this is appropriate having regard to the Tenant's current financial and medical circumstances. This postponement will provide the Tenant with an opportunity to clarify the

status of his ODSP entitlement, including any retroactive payments, and to focus on his recovery.

It is ordered that:

1. The request to review order LTB-L-109308-25 issued on March 19, 2026 is granted. The order is cancelled and replaced as follows.
2. The interim order issued on March 19, 2026 is cancelled.
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:**

- \$6,207.17 if the payment is made on or before May 31, 2026.

OR

- \$7,865.66 if the payment is made on or before June 30, 2026.
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 June 30, 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 June 30, 2026.**
 7. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$3,531.95. 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.
 8. The Tenant shall also pay the Landlord compensation of \$54.53 per day for the use of the unit starting May 13, 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 June 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.
 10. If the unit is not vacated on or before June 30, 2026, then starting July 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 July 1, 2026.

May 21, 2026
Date Issued

Brett Lockwood
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 January 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.