



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

File Number: LTB-L-020206-26

In the matter of: A, 380 NORMAN STREET
TIMMINS ON P4N4B7

Between: Gilbert Gervais Landlord

And

Derek Daigle Tenant

Gilbert Gervais (the 'Landlord') applied for an order to terminate the tenancy and evict Derek Daigle (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 13, 2026.

The Landlord and the Tenant attended the hearing.

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 \$1,800.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$59.18. This amount is calculated as follows: \$1,800.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2026, are \$5,400.00.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. The Landlord requested a termination of the tenancy by way of standard order.

10. The Tenant acknowledged that the arrears of rent are owing and requested that his tenancy be preserved. He testified that his employer had signed bankruptcy and then he had a hernia but now his was back to work and able to pay the rent and payments towards the arrears.
11. The Tenant proposed a repayment plan in the amount of \$1,500.00 on May 20, 2026, and then a payment of \$1,000.00 on the 20th of each month until the arrears are paid in full.
12. The Landlord did not consent to the payment plan and submitted that he was having financial issues and unable to pay the hydro.
13. Balancing the interests and prejudices to each of the parties, I find that the repayment of the arrears by way of the Tenant's proposed payment plan is reasonable based on his circumstances. This will allow the Tenant's housing to be preserved, and repayment can be made with prejudice to the Landlord alleviated by allowing the Landlord to apply to the Board for termination of the tenancy without further notice to the Tenant in the event the Tenant fails to comply with the conditions in this Order.
14. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,601.00 which represents the amount of rent owing up to May 31, 2026, and the cost of filing the application.
2. The Tenant shall pay this amount to the Landlord as follows:

May 20, 2026	\$1,500.00
June 20, 2026	\$1,000.00
July 20, 2026	\$1,000.00
August 20, 2026	\$1,000.00
September 20, 2026	\$1,000.00
October 20, 2026	\$101.00
3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period of June 1, 2026, through to October 1, 2026, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing

and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after May 31, 2026.

May 20, 2026
Date Issued

Brenda Mercer
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.