



**Amended Order
Order under Section 69
Residential Tenancies Act, 2006
And Section 21.1 of the Statutory Powers Procedure Act**

Citation: Bouffard v Ward, 2026 ONLTB 38282

Date: 2026-05-28

File Number: LTB-L-019108-26-AM

In the matter of: 146 Burns Circle
Barrie ON L4N5J8

Between: Karen Bouffard Landlords
David Bouffard

And

Robert Ward Tenants
Cathy Madden

Karen Bouffard and David Bouffard ('DB') (the 'Landlords') applied for an order to terminate the tenancy and evict Robert Ward ('RW') and Cathy Madden (the 'Tenants') because the Tenants have been persistently late in paying the Tenants' rent.

This application was heard by videoconference on May 7, 2026. The Landlords and the Tenants attended the hearing.

This amended order is issued to correct clerical errors in the order issued on May 14, 2026.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy shall continue subject to conditions.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On March 2, 2026, the Landlords gave the Tenants an N8 notice of termination alleging that the Tenants persistently paid their rent late.
4. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent was paid late every month in 2025 and paid late January, February, and March of 2026.

5. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.
7. 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. The Landlords seek a termination of the tenancy because they feel the tenancy is untenable.
8. The Tenants wish to preserve their tenancy by way of a conditional order to pay their rent on time. Tenant **RW** testified that the tenancy began about five years before. For the first few years, the Tenants were not late on their rent payments. However, he lost his regular full-time job and began his own business. However, the business is seasonal and there was a lot of inclement weather last year. Normally **RW** would be using that time to save up for the colder months when he would not be earning income. Because he is self-employed, he is not entitled to any employment insurance benefits. However, **RW** says that he and his partner, the co-Tenant, have got caught back up and are able to ensure rent payments are made in full and on time going forward. **RW** is also looking for a part-time role to augment the couple's income during the winter months.
9. I conducted an examination of the Tenants' income versus their expenses. Based on the Tenants' evidence, I am satisfied that the Tenants can pay their rent going forward on time and in full.
10. In *Price v. Turnbull's Grove Inc.* (2007), [2007 ONCA 408 \(CanLII\)](#), 85 O.R. (3d) 641 (C.A.), the Court of Appeal for Ontario summarized a line of previous case law involving residential tenancies, and reaffirmed at paragraph 26 of its order that the Act is remedial legislation with "a tenant protection focus".
11. Given the Court of Appeal's guidance in *Price* above, and the Tenants' submissions, I am of the view that the Tenants ought to be given an opportunity to preserve their tenancy. In my view, the prejudice to the Landlords can be mitigated by a conditional order that the Tenants pay their rent on time.

It is ordered that:

1. The tenancy between the Landlords and the Tenants continues if the Tenants meets the conditions set out below.
2. The Tenants shall pay their lawful monthly rent on the first day of each month commencing June 1, 2026, and ending on November 1, 2027.
3. If the Tenants fail to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants. The Landlords must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenants.

4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenants must pay the Landlords is \$186.00.
6. If the Tenants do not pay the Landlords the full amount owing on or before May 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.

May 28, 2026
Date Amended

Jane Dean
Member, Landlord and Tenant Board

May 14, 2026
Date Issued

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.