



Order under Section 69 Residential Tenancies Act, 2006

Citation: HU v BAPTISTE, 2026 ONLTB 44730

Date: 2026-06-11

File Number: LTB-L-033298-26

In the matter of: BASEMENT UNIT, 29 CHIPPING RD
NORTH YORK ON M3B1L2

Between: FEN HU Landlord

And

DANIELLO JEAN BAPTISTE Tenants
BRITTANY DARDAIN
DARNLEY JEAN BAPTISTE

FEN HU (the 'Landlord') applied for an order to terminate the tenancy and evict DANIELLO JEAN BAPTISTE, BRITTANY DARDAIN and DARNLEY JEAN BAPTISTE (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 4, 2026. The Landlord's Agent, Sky Zhou, and Representative, Anome Mehrabian, and Tenant Darnley Jean Baptiste attended the hearing on behalf of all Tenants.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$2,357.50. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$77.51. This amount is calculated as follows: \$2,357.50 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to June 30, 2026, are \$14,145.00.

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 \$2,357.50 from the Tenants 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 \$92.44 is owing to the Tenants for the period from October 1, 2024, to June 4, 2026.
10. 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 postpone the eviction until June 30, 2026, pursuant to subsection 83(1)(b) of the Act. The Landlord stated that they are agreeable to a short delay to the termination date to June 30, 2026. The Landlord owns only this single rental property with upper and lower tenants, and the loss of income has resulted in the Landlord paying out of pocket for expenses related to the property.
11. The Tenant explained he lost his job in the fall of last year. Unfortunately, he has not been able to secure new employment since then. He continued to pay his rent, but his savings ran out. The tenancy began in the fall of 2024, and he lives in the rental unit with his wife who is about seven months pregnant and not working. He also stated that disturbances from the upper unit carried down into his rental unit. This contributed to his job loss because he worked from home, and his employer found the background noise unprofessional. The Tenant is unable to offer a reasonable repayment plan because the Tenant has no income.
12. Although the Board understands the challenging circumstances the Tenants find themselves in, the arrears are significant, and no rent has been paid in six months. However, a short delay in termination to June 30, 2026, gives the Tenants an opportunity to explore their options while limiting further prejudice to the Landlord.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$14,331.00 if the payment is made on or before June 30, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have 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 Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before June 30, 2026.**

5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$9,833.60. 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 Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$77.51 per day for the use of the unit starting June 5, 2026, until the date the Tenant moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before June 30, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.
8. 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.
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 July 1, 2026.

June 11, 2026
Date Issued

Jane Dean
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.

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 June 30, 2026

Rent Owing To June 30, 2026	\$14,145.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$14,331.00

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

Rent Owing To Hearing Date	\$12,097.54
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,357.50
Less the amount of the interest on the last month's rent deposit	- \$92.44
Total amount owing to the Landlord	\$9,833.60
Plus daily compensation owing for each day of occupation starting June 5, 2026	\$77.51 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	