



Order under Section 69 Residential Tenancies Act, 2006

Citation: Owen Sound Municipal Non-Profit Housing Corporation v Smith, 2026 ONLTB 45033

Date: 2026-06-08

File Number: LTB-L-026451-26

In the matter of: 45, 2125 6TH AVE E
OWEN SOUND ON N4K6W1

Between: Owen Sound Municipal Non-Profit Housing Corporation Landlord

And

Janice Smith Tenant

Owen Sound Municipal Non-Profit Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Janice Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 3, 2026.

Only the Landlord's agent Shari Huber attended the hearing.

As of 2:30 pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord's agent said the Tenant was provided a copy of the Notice of Hearing on May 14, 2026.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$1,241.00. It is due on the 1st day of each month.

5. Based on the Monthly rent, the daily rent/compensation is \$40.80. This amount is calculated as follows: \$1,241.00 x 12, divided by 365 days.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to June 30, 2026 are \$8,182.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,008.81 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.
10. Interest on the rent deposit, in the amount of \$0.17 is owing to the Tenant for the period from June 1, 2026 to June 3, 2026.
11. The Landlord's agent said that this Tenant has a history of arrears. The Tenant did previously comply with a 2024 Board order and payment plan but once completed, the Tenant fell into arrears again. The Landlord's agent said many attempts have been made to discuss payment plan options with the Tenant with no positive outcome. The Landlord acknowledges this has been a lengthy tenancy but is not optimistic another payment plan is a reasonable option given the history of arrears.
12. The Tenant did not attend the hearing to defend their position or seek relief from the Board. I considered that the Tenant has not made any good faith payments toward the significant arrears since the application was filed.
13. 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.

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:**
 - \$8,368.00 if the payment is made on or before June 19, 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 June 19, 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 June 19, 2026.**

5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$6,458.76. 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 \$40.80 per day for the use of the unit starting June 4, 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 June 19, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 20, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 19, 2026, then starting June 20, 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 20, 2026.

June 8, 2026
Date Issued

Dana Wren
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 20, 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 June 19, 2026

Rent Owing To June 30, 2026	\$8,182.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$8,368.00

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

Rent Owing To Hearing Date	\$7,281.74
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,008.81
Less the amount of the interest on the last month's rent deposit	- \$0.17
Total amount owing to the Landlord	\$6,458.76
Plus daily compensation owing for each day of occupation starting June 4, 2026	\$40.80 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	