



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-033974-26

In the matter of: 68 KEITH CRES
NIAGARA ON THE LAKE ON L0S1J0

Between: Arthex Property Management on behalf of Landlord
Osher Enterprises Inc

And

David Michael Buzanko
Catherine Lee Randall Tenants

Arthex Property Management on behalf of Osher Enterprises Inc (the 'Landlord') applied for an order to terminate the tenancy and evict David Michael Buzanko and Catherine Lee Randall (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenants owe (L1 Application); and
- the Tenants have been persistently late in paying the Tenants' rent. (L2 Application).

The application was heard by videoconference on June 4, 2026. The Landlord's legal representative Emily Barbati, the Landlord Orly Mendelawi, and the Tenant David Michael Buzanko attended the hearing. Tenant David Michael Buzanko confirmed that he had authorization to act on behalf of Tenant Catherine Lee Randall.

At the hearing, the parties engaged in mediation. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

Agreed Facts:

1. The lawful rent is \$2,641.95. It is due on the 1st day of each month.
2. Based on the Monthly rent, the daily rent/compensation is \$86.86. This amount is calculated as follows: \$2,641.95 x 12, divided by 365 days.
3. The Tenants have paid \$4,700.00 to the Landlord since the application was filed.
4. The rent arrears owing to June 30, 2026 are \$9,152.15.

5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$2,350.00 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.
7. Interest on the rent deposit, in the amount of \$326.57 is owing to the Tenants for the period from November 9, 2018 to June 4, 2026.

On consent of the parties, it is ordered that:

L1 Application – Non-Payment of Rent

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:**
 - \$9,338.15 if the payment is made on or before June 30, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$11,980.10 if the payment is made on or before July 31, 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 July 31, 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 July 31, 2026.**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$4,403.22. 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 Tenants shall also pay the Landlord compensation of \$86.86 per day for the use of the unit starting June 5, 2026 until the date the Tenants move out of the unit.
 7. If the Tenants do not pay the Landlord the full amount owing on or before July 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from August 1, 2026 at 4.00% annually on the balance outstanding.

8. If the unit is not vacated on or before July 31, 2026, then starting August 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 August 1, 2026.

L2 Application – Persistent Late Payment of Rent

10. If the Tenants void the L1 portion of the order in accordance with paragraph two above, the tenancy shall continue on the following terms.
11. The Tenants shall pay to the Landlord the monthly rent on time and in full as it comes due and owing for the period of, and including August 1, 2026, to July 1, 2028.
12. If the Tenants fail to make any of the payments in paragraph 11 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenants, for an order terminating the tenancy and evicting the Tenants.

June 9, 2026
Date Issued

Sandra Sabourin
Hearings Officer, 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 of the Tenants expires on February 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 Tenants 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	\$13,852.15
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$4,700.00
Total the Tenants must pay to continue the tenancy	\$9,338.15

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before July 31, 2026

Rent Owing To July 31, 2026	\$16,494.10
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$4,700.00
Total the Tenants must pay to continue the tenancy	\$11,980.10

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$11,593.79
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$4,700.00
Less the amount of the last month's rent deposit	- \$2,350.00
Less the amount of the interest on the last month's rent deposit	- \$326.57
Total amount owing to the Landlord	\$4,403.22
Plus daily compensation owing for each day of occupation starting June 5, 2026	\$86.86 (per day)