



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

File Number: LTB-L-034531-26

In the matter of: 15, 3547 SANDWICH ST
WINDSOR ON N9C1B6

Between: S. Say C/O LMR Property Management

Landlord

And

Robert Smith

Tenant

S. Say c/o LMR Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Smith (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on June 4, 2026.

Only the Landlord's Representative, Kristen Jarvis attended the hearing.

As of 2:34 p.m., 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:

L1 Application – Non-Payment of Rent

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 \$1,000.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$32.88. This amount is calculated as follows: \$1,000.00 x 12, divided by 365 days.

5. The Tenant has paid \$3,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2026, are \$0.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

L2 Application – Persistent Late Payment of Rent

8. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The rent has been paid late 18 times in the past 18 months leading to the issuance of the N8 notice of termination.
9. The Tenant has paid the rent late every month for the rental period of November 2024, through to December 2025. The rent for the period of January 2026, through to April 12, 2026, was not paid at the time of the N8 notice of termination being issued.
10. The Tenant proceeded to pay the rent late for the month of May 2026, but paid June 2026, in full and on time.

Relief from Eviction

11. The Landlord was unaware of any circumstances that may require the Board to consider delaying or denying termination of the tenancy and sought the issuance of a standard order. Alternative, the Landlord sought the issuance of a conditional order requiring the Tenant to pay the rent in full, and on time, for a period of two years.
12. The Tenant is currently up to date with the rent up to June 30, 2026. Based on the Tenant's rental payment for the month of June 2026, the Tenant can make timely rental payments. Therefore, I find that a conditional order would be more appropriate under these circumstances. Given the number of late payments identified in this application, I find the Landlord's request for a two-year conditional order to be reasonable.
13. 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:

L1 Application – Non-Payment of Rent

1. The Tenant shall pay the Landlord \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing by June 30, 2026, the Tenant will owe interest. This will be simple interest calculated from July 1, 2026, at 4.00% annually on the balance outstanding.

L2 Application – Persistent Late Payment of Rent

3. The Tenant shall pay the Landlord the monthly rent due on or before the first day of the month for the period of July 1, 2026, through to June 1, 2028.
4. If the Tenant fails to make any of the payments in paragraph 3 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant.

June 15, 2026

Date Issued

Ilan Shingait

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.