



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-031154-26

In the matter of: Basement Apartment, 53 Pakenham Dr.
Etobicoke, ON M9W 4B7

Between: Gualter Barbosa Landlord

And

Jacinta Rodriguez Tenants
Laura Rodriguez

Gualter Barbosa (the 'Landlord') applied for an order to terminate the tenancy and evict Jacinta Rodriguez and Laura Rodriguez (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 16, 2026.

The Landlord, and the Landlord's Legal Representative, Gibrian Malicki-Sanchez, attended the hearing. Gisel Gimenez also attended the hearing as Landlord Support.

As of 2:12 p.m., the Tenants were not present, nor 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 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 \$1,500.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$49.32. This amount is calculated as follows: \$1,500.00 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 \$20,300.00.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. The Landlord seeks a termination of the tenancy as the rent arrears are substantial and the Tenants have not been responsive to efforts to establish a repayment plan for the rent arrears. The Tenants have promised payments in the past, and have told the Landlord they will move out, but have not followed through on either.
10. The Tenants did not attend to give evidence as to their personal circumstances. The Landlord's Legal Representative informed me that the Tenants did have two children aged 10 and 16 that live in the rental unit.
11. I have considered all 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 Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears are quite substantial and the Landlord has received no payments for a significant period of time. Even with children present in the unit, and in light of the standard timing of this order taking the termination date beyond the end of the school year, I find it would not be fair to the Landlord to extend the eviction date.

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:**
 - \$20,486.00 if the payment is made on or before June 30, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$21,986.00 if the payment is made on or before July 4, 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 4, 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 4, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$19,775.12. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.

6. The Tenants shall also pay the Landlord compensation of \$49.32 per day for the use of the unit starting June 17, 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 4, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 5, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before July 4, 2026, then starting July 5, 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 5, 2026.

June 23, 2026
Date Issued

Benjamin Seigel
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 5, 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	\$20,300.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$20,486.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before July 4, 2026:

Rent Owing to July 31, 2026	\$21,800.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$21,986.00

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

Rent Owing to Hearing Date	\$19,589.12
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$19,775.12
Plus, daily compensation owing for each day of occupation starting June 17, 2026	\$49.32 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	