



Order under Section 69 Residential Tenancies Act, 2006

Citation: Tam v Mathieu, 2026 ONLTB 49139

Date: 2026-06-26

File Number: LTB-L-028969-26

In the matter of: 1, 2425 Dundas Street West
Toronto ON M6P1X3

Between: Tony Tam Landlord

And

Kittisha Mathieu Tenants
Maylaynah Daley

Tony Tam (the 'Landlord') applied for an order to terminate the tenancy and evict Kittisha Mathieu and Maylaynah Daley (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 Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

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

Only the Landlord, the Landlord's Interpreter George Tam, the Landlord's agent Johnny Tam and the Landlord's Legal Representative Hesham Elgamal attended the hearing.

As of 10:05 am, the Tenants were 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 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 \$2,400.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$78.90. This amount is calculated as follows: \$2,400.00 x 12, divided by 365 days.
5. The Tenants have paid \$4,650.00 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2026, are \$3,750.00.
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 \$2,400.00 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.
9. Interest on the rent deposit, in the amount of \$31.34 is owing to the Tenant for the period from November 2, 2025, to June 16, 2026.

L2 Application – Persistent Late Payment of Rent

10. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late 13 times since April of 2025.
11. The Landlord is 73-years old and is semi-retired. The residential complex is his source of income, and the late payments have affected his financial standing.

Relief from Eviction

12. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Pursuant to the L2 Application, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 7, 2026.
2. The Tenants shall pay the Landlord any rent arrears owing up to the date of the hearing and the cost of filing the application. The amount of the rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants.
3. As of the date of the hearing, the Tenants owe the Landlord \$367.06. See Schedule 1 for the calculation of the amount owing.
4. The Tenants shall also pay the Landlord compensation of \$78.90 per day for the use of the unit starting June 17, 2026, to the date the Tenants move out of the unit.

5. If the Tenants do not pay the Landlord the full amount owing on or before July 7, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 8, 2026, at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 7, 2026, then starting July 8, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 8, 2026.

June 26, 2026
Date Issued

Jagger Benham
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 of the Tenant expires on January 8, 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 as the tenancy is terminated

Rent Owing To June 16, 2026	\$7,262.40
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	-\$4,650.00
Less the amount of the last month's rent deposit	-\$2,400.00
Less the amount of the interest on the last month's rent deposit	-\$31.34
Total amount owing to the Landlord	\$367.06
Plus daily compensation owing for each day of occupation starting June 17, 2026	\$78.90 (per day)