



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-031356-26

In the matter of: 255 BARTON ST W
HAMILTON ON L8R 2H6

Between: Brian Hogben Landlord

and

Jessica Williams Tenants
Michael Bozsik

Brian Hogben (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Williams and Michael Bozsik (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 18, 2026.

Only the Landlord and the Landlord's agent, Angy Kivell, attended the hearing.

As of 9:52 a.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board. 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 \$2,600.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$85.48. This amount is calculated as follows: \$2,600.00 x 12, divided by 365 days.
5. The Tenants had paid \$2,500.00 to the Landlord since the application was filed.

6. The rent arrears owing to June 30, 2026, are \$9,121.36. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. Accordingly, \$9,307.36 is owing.

Relief from Eviction

7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), I 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.
8. The Landlord sought to provide the Tenants with relief by way of a payment plan. The Landlord's agent indicated that \$1,000.00 can be paid on June 25, 2026 and \$1,000.00 can be paid on June 28, 2026, \$500.00 can be paid on July 2, 2026, and thereafter \$500.00 can be paid on the 1st of each month in addition to the rent. I indicated that the payments for June 25 and 28, 2026 will not be referenced on the order because the order will be delivered after those dates. Given that direction, the Landlord's agent requested for \$500.00 to be paid on the 1st day of each month in addition to the rent.
9. Based on the uncontested evidence before me, I find it is reasonable to provide the Tenant with an opportunity to preserve her tenancy and pay the arrears in installments

It is ordered that:

1. The Tenants shall pay to the Landlord \$9,307.36 for arrears of rent up to June 30, 2026, which includes the \$186.00 filing fee, in accordance with the following schedule:

<u>DATE OF PAYMENT</u>	<u>AMOUNT</u>
July 1, 2026	\$500.00
August 1, 2026	\$500.00
September 1, 2026	\$500.00
October 1, 2026	\$500.00
November 1, 2026	\$500.00
December 1, 2026	\$500.00
January 1, 2027	\$500.00
February 1, 2027	\$500.00
March 1, 2027	\$500.00
April 1, 2027	\$500.00
May 1, 2027	\$500.00
June 1, 2027	\$500.00
July 1, 2027	\$500.00
August 1, 2027	\$500.00
September 1, 2027	\$500.00
October 1, 2027	\$500.00
November 1, 2027	\$500.00
December 1, 2027	\$500.00
January 1, 2028	\$307.36

2. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period July 1, 2026 to January 31, 2028 or until the arrears are paid in full, whichever date is earliest.
3. If the Tenants fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the Board within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after June 30, 2026.

June 26, 2026
Date Issued

Adeela Alvez
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.