



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Hastings Local Housing Corporation v Smith, 2026 ONLTB 51204

Date: 2026-06-30

File Number: LTB-L-004165-26-RV

In the matter of: 201, 490 SIDNEY ST
BELLEVILLE ON K8P0H6

Between: Hastings Local Housing Corporation Landlord

And

Drew Smith Tenant

Review Order

Hastings Local Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Drew Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was resolved by order LTB-L-004165-26 issued on April 8, 2026.

On April 16, 2026 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On April 20, 2026 interim order LTB-L-004165-26-RV-IN was issued, staying the order issued on April 8, 2026.

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

The Landlord's agent, Shreya Deshpande, and the Tenant attended the hearing.

Determinations:

Request to Review

1. The Tenant requested the review on the grounds that they were not reasonably able to participate in the hearing because they were experiencing mental health issues which prevented them from attending.
2. While preparing for the review hearing, an inconsistency between the N4 Notice and the L1 Application was identified. The N4 Notice to Terminate the tenancy lists arrears for the rental periods August 1, 2025 to October 31, 2025. However, the L1 Application includes arrears for periods pre-dating the N4 Notice, beginning October 1, 2024. An L1 application for eviction cannot include arrears which pre-date the N4 Notice of termination. Therefore, the calculation of arrears owing under the L1 application and the amount the Tenant was required to pay the void the order issued on April 2, 2026 was a serious error because the calculation included arrears pre-dating the N4 Notice to terminate the tenancy.
3. The request to review is granted. As a result, order LTB-L-004165-26 issued on April 8, 2026 was cancelled, and a new hearing was held to consider the merits of the original application.

Merits of the Original Application

4. 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.
5. As noted above, the L1 Application which was initially filed included arrears pre-dating the N4 Notice. The Landlord requested to amend the application to include only the arrears indicated on the N4 Notice and any arrears which were incurred after the notice was given.
6. I granted the amendment because it was not prejudicial to the Tenant to do so as it resulted in a reduction of arrears claimed.
7. As a result of the amendment, the L1 application covers the rental periods of August 1, 2025 to January 30, 2026 and claims \$261.00 in arrears as of the date of the initial filing.
8. The Landlord claimed \$120.00 for administration charges for 6 returned electronic payments. As the Residential Tenancies Act, 2006, (the 'Act'), specifically restricts compensation for administration charges and NSF fees to returned cheques, the claim for charges and costs incurred as a result of returned electronic payments is denied.
9. As of the hearing date, the Tenant was still in possession of the rental unit.
10. The lawful rent is \$857.00. It is due on the 1st day of each month.

11. Based on the Monthly rent, the daily rent/compensation is \$28.18. This amount is calculated as follows: \$857.00 x 12, divided by 365 days.
12. The Tenant has not made any payments since the application was filed.
13. The rent arrears owing to June 30, 2026 are \$4,529.00.
14. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
15. There is no last month's rent deposit.
16. 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.
17. The Tenant has suffered from mental health conditions, including addiction, which have impacted his ability to pay the rent. He reports that he is now receiving treatment and believes that he can successfully maintain the tenancy. Stable housing is a key component of his recovery. He provided information to support a payment plan of \$200.00 per month. The Landlord opposes the payment plan but acknowledges that they will not be financially prejudice by it if it is complied with. The Landlord's concerns about continuing the tenancy relate primarily to alleged behaviours which are the subject of a separate application before the Board. It would be unfair to deny an otherwise viable payment plan because of unproven allegations about the Tenant's behaviour, particularly when those allegations are scheduled to be adjudicated by the Board in a separate hearing.

It is ordered that:

1. The request to review order LTB-L-004165-26 issued on April 8, 2026 is granted.
2. Order LTB-L-004165-26 issued on April 8, 2026 is cancelled and replaced by the following:
3. The Tenant shall pay to the Landlord \$4,715.00 for arrears of rent up to June 30, 2026 and costs.
4. The Tenant shall pay the amount owing in accordance with the following schedule:

On the 20 th of each month from July 20, 2026 to May 20, 2026	\$200.00
June 20, 2026	\$115.00

5. The Tenant 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 June 1, 2028, or until the arrears are paid in full, whichever date is earliest.

6. If the Tenant 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 Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after June 30, 2026.

June 30, 2026
Date Issued

Dawn Carr
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.