



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

File Number: LTB-L-079170-25

In the matter of: 25 MACHADO ST
KITCHENER ON N2R0C1

Between: Ammara Mahmood Landlords
Hasan Arsalan Habib

And

Tammy Sherman Tenants
Robert Sherman

Ammara Mahmood and Hasan Arsalan Habib (the 'Landlords') applied for an order to terminate the tenancy and evict Tammy Sherman and Robert Sherman (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on December 1, 2025.

Only the Landlord's Legal Representative, Samila Waslat and the Landlord, Ammara Mahmood on behalf of both Landlords 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 LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Preliminary Issue:

Amending the application

1. At the hearing, I brought to the Landlord representative's attention that the application did not properly reflect the rental period and the amount owing to the Landlord as of the date the application was filed. The Landlords' application was amended to reflect the proper rental period and arrears owing as of the date of filing of the application.
2. The Tenants were served the Notice of Hearing by the Board and chose not to attend the hearing to provide any submissions regarding the amount of arrears owing.

3. The L1/L9 Update Sheet was provided to the Tenants and the Board before the hearing, which properly reflected the amount of arrears owing, and as such I did not find there to be any prejudice to the Tenants by amending the application.
4. The application is amended to reflect the amount of arrears owing to the date the application was filed. The amount of arrears owing for the period ending September 30, 2025, and as of the date the application was filed are \$22,658.00.

Determinations:

1. The Landlords 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 \$2,730.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$89.75. This amount is calculated as follows: \$2,730.00 x 12, divided by 365 days.
5. The Tenants have paid \$5,524.00 to the Landlords since the application was filed.
6. The rent arrears owing to December 31, 2025 are \$25,324.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,600.00 from the Tenants and this deposit is still being held by the Landlords. 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 \$226.38 is owing to the Tenants for the period from December 1, 2021 to December 1, 2025.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlords 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.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**

- \$28,240.00 if the payment is made on or before January 20, 2026, minus any additional rent payments or compensation paid by the Tenants. 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 January 20, 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 January 20, 2026.**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$20,043.37, minus any additional rent payments or compensation paid by the Tenants . This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlords owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
 6. The Tenants shall also pay the Landlords compensation of \$89.75 per day for the use of the unit starting December 2, 2025 until the date the Tenants move out of the unit.
 7. If the Tenants do not pay the Landlords the full amount owing on or before January 20, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 21, 2026 at 4.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before January 20, 2026, then starting January 21, 2026, the Landlords 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 Landlords on or after January 21, 2026.

January 9, 2026

Date Issued

Christina Philp

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 July 21, 2026 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 January 20, 2026

Rent Owing To January 31, 2026	\$33,578.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$5,524.00
Total the Tenants must pay to continue the tenancy	\$28,240.00

B. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$28,207.75
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$5,524.00
Less the amount of the last month's rent deposit	- \$2,600.00
Less the amount of the interest on the last month's rent deposit	- \$226.38
Total amount owing to the Landlords	\$20,043.37
Plus daily compensation owing for each day of occupation starting December 2, 2025	\$89.75 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	