



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-084249-25

In the matter of: 04, 82 ELGIN ST S
CAMBRIDGE ON N1R5G5

Between: Elgin Apartments Landlord

And

Todd Drowns Tenants
Sabrina De Sousa

Elgin Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Todd Drowns and Sabrina De Sousa (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

The Landlord also claimed compensation for each day the Tenant remains in the unit after the termination date.

This application was heard by videoconference on December 16, 2025.

Only the Landlord's legal representative, Manny Bedi, a licensed paralegal, attended the hearing.

As of 9:38 a.m., the Tenant was 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.

At 9:48 a.m. the Tenant Todd Drowns attended in the Main Session of the hearing. I spoke to the Tenant in the absence of the Landlord and explained the order that was made in his absence and the legal basis for the order as well as the obligations and legal affect of the conditional order.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. However, despite the Landlord's submission that the tenancy should be terminated, I find that it would not be unfair to grant relief from eviction. Therefore, I have granted the conditional order set out below.

2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On October 6, 2025, the Landlord gave the Tenants an N8 notice of termination effective December 31, 2025. The notice of termination contains the following allegation: that the Tenants have been late in the payment of rent 13 of the 13 months in the period October 2024 to October 2025.
4. 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. As was set out in the schedule attached to the N8 notice, the rent was paid late between 1 and 6 days during the entire period October 2024 to October 2025 except for the month of August 2025 when it was paid on August 29 which was 28 days late.
5. The rent for October and November was paid on time and the rent for December was paid one day late.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. 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. The Tenants are up to date with the rent. The rent albeit late was substantially late on only one occasion; and finally, when I delivered by decision regarding the conditional order, the Landlord's representative conceded that it was the appropriate result.

It is ordered that:

1. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
2. The Tenants shall pay their lawful monthly rent by the 1st day of each month beginning February 1, 2026 until January 1, 2027.
3. If the Tenants fail to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenants.
4. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.

5. If the Tenants do not pay the Landlord 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.

January 9, 2026
Date Issued

Christina Budweth
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.