



**Order under Section 78(11)
Residential Tenancies Act, 2006**

File Number: LTB-L-096235-25-SA

In the matter of: 928 WRENWOOD DR
OSHAWA ON L1K0W2

Between: SUGIRTHA RAJAPATHY Landlords
THURAIRAJAH RAJAPATHY

And

HINA KHAKWANI Tenants
MOHAMMAD AHMAD KHAN

SUGIRTHA RAJAPATHY and THURAIRAJAH RAJAPATHY (the 'Landlords') applied for an order to terminate the tenancy and evict HINA KHAKWANI and MOHAMMAD AHMAD KHAN (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on August 31, 2022 with respect to application LTB-L-021410-22.

The Landlords' application was resolved by order LTB-L-096235-25, issued on November 24, 2025. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-096235-25.

This motion was heard by videoconference on January 12, 2026.

The Landlords' Legal Representative, S. Niranjan, the Landlords, the Landlords' son, Sharan Rajapathy, the Tenants' Legal Representative, K. Covey, and the Tenants attended the hearing.

Determinations:

1. There was no dispute that the Tenants failed to meet a condition specified in the order issued by the LTB on August 31, 2022 with respect to application LTB-L-021410-22.
2. The Tenants failed to pay the full rent of \$2,600.00 for November 1, 2025. The Tenants only paid \$2,200.00.
3. After considering all of the following circumstances, I find that it would not be unfair to set aside order LTB-L-096235-25.

4. There was no dispute that the Tenants paid the shortfall for November 2025 rent to the Landlords on November 17, 2025. There was also no dispute that although the payments were late, the Tenants made the required rent arrears payments of \$500.00 each month for November and December 2025 as well as the rent for December 2025 and January 2026 after this application was filed.
5. The Tenants have resided in the rental unit for over ten years with their two school aged children. The Tenants own their own business which had a reduction in clientele over the holiday season being the reason the Tenants made these payments late to the Landlords. The Tenants submitted that an eviction would have a severe impact on them and their children as they would have to leave their home, school and friends as they could not afford another rental unit in the area given the increases to rent over the last ten years.
6. The Landlords' son stated that there had been a pattern of late payments by the Tenants which is stressful for his parents as they have to keep up the mortgage payments. He stated that his parents are elderly but they have to continue working in order to meet their financial obligations. He submitted that the Landlords request to terminate the tenancy.
7. Order LTB-L-021410-22 was issued on August 31, 2022 and required the Tenants to make payments of \$500.00 each month from August 2022 to June 2026 towards the rent arrears and costs agreed to be owing of \$23,186.00. This was the first L4 application filed by the Landlords alleging a breach of the terms of that order.
8. The Tenants are current with the arrears and rental payments required by the previous order and as such have paid a total of \$21,000.00 in outstanding rent arrears to the Landlords. The remaining rent arrears owing should be paid off by June 2026. This is a long standing tenancy being ten years in length. The Tenants' children have lived either the majority or all of their life in this unit. Given the above, and having considered all of the circumstances, I find that it would not be unfair to grant the motion.

It is ordered that:

1. The motion to set aside Order LTB-L-096235-25, issued on November 24, 2025, is granted.
2. Order LTB-L-096235-25, issued on November 24, 2025, is set aside and cannot be enforced.
3. The previous order issued on August 31, 2022 with respect to LTB-L-021410-22 remains in full force and effect.

January 14, 2026
Date Issued

Lisa Del Vecchio
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.