



**Order under Section 78(6)
Residential Tenancies Act, 2006**

File Number: LTB-L-108759-25

In the matter of: 1, 372 Adelaide Ave W
Oshawa ON L1J2R6

Between: Nazar Sayed Landlords
Mahejabeen Kousar Sayed

And

Karen Leigh Joyner Tenants
Timmy James Riach

Nazar Sayed and Mahejabeen Kousar Sayed (the 'Landlords') applied for an order to terminate the tenancy and evict Karen Leigh Joyner and Timmy James Riach (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on March 14, 2025 with respect to application LTB-L-104874-24.

A hearing was held by videoconference on to consider this application.

The Landlords and the Tenant Karen Leigh Joyner attended the hearing.

Determinations:

1. The order provides that the Landlords can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain conditions in the order.
2. The prior order issued on March 14, 2025 was a consent repayment plan for arrears of rent. The arrears owing as per the prior order were \$16,386.00 for the period ending February 28, 2025. The repayment plan requires the Tenants to pay their lawful rent of \$2,600.00 and a \$700.00 arrears payment on or before the 15th day of each month.
3. The Landlord's L4 application asserts that the Tenants failed to pay the lawful rent and the ordered arrears payment due on December 15, 2025. The Landlord's application was filed on December 29, 2025 and therefore was filed within 30 days of the breach.

4. The Tenant present at the hearing did not dispute breaching the prior order. Therefore, the sole issue for the Board to determine is whether it would be unfair to grant the Tenants relief from eviction by ordering a new repayment plan.
5. The parties agreed at the hearing that the arrears owing to January 14, 2026 were \$13,036.00.

Relief from eviction:

6. 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.
7. The Tenant testified that in October 2025 she lost her employment due to illness and was therefore in the process of applying for ODSP. Due to the delay in processing her ODSP application, her income was scattered and as such, she was unable to make the required payments.
8. The Tenants have resided in the rental unit for four years.
9. The Landlords confirmed at the hearing that from March 2025 to September 2025, the Tenants had been consistently complying with the prior repayment plan schedule.
10. The parties also agreed that prior to the L4 application being filed, that they agreed to change the due date of the payments to the 28th day of each month.
11. The Tenant present at the hearing currently earns \$1,845.00 per month through ODSP and her spouse is also now back to work full-time and earns approximately \$4,500.00 per month.
12. The Tenant stated that the rent and arrears payments owing for December 2025 (\$3,300.00) are in her possession and able to be paid to the Landlords within one-week.
13. The Tenant requested to also continue the previously ordered repayment plan, but to amend the payment dates to the 28th of each month. The Tenant confirmed that she could continue the prior repayment plan effective January 28, 2025.
14. The Landlords opposed the newly proposed repayment plan as they believe the Tenants will breach again on a future date.
15. Based on the evidence and submissions before the Board, I find that it would not be unfair to grant the Tenants newly proposed payment plan.
16. The reasons for the breach of the prior order were due to the Tenants experiencing some unforeseen hardship and despite this, the Tenants have continued to show good faith by making payments a substantial number of payments to the Landlords since the prior consent order was issued, which has ultimately reduced the arrears owing.

17. The Tenants new repayment plan is also reasonable and sustainable given the Tenants combined monthly income.

It is ordered that:

1. Order LTB-L-104874-24 is cancelled.
2. The Tenants shall pay to the Landlords \$13,036.00 for arrears of rent up to January 14, 2026.
3. The Tenants shall pay to the Landlords the amount set out in paragraph 2 in accordance with the following schedule:
 - a) \$3,300.00 on or before January 23, 2026
 - b) \$700.00 on or before the 28th of each month from January 28, 2026 to January 28, 2027.
 - c) \$636.00 on or before February 28, 2027.
4. The Tenants shall also pay to the Landlords new rent in full on or before the 28th day of each month for the period of January 2026 to February 2027, or until the arrears are paid in full, whichever date is earliest.
5. If the Tenants fail 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 Landlords pursuant to paragraph 2 of this order shall become immediately due and owing and the Landlords may, without notice to the Tenants, 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 Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after January 14, 2026

January 16, 2026
Date Issued

Fabio Quattrociochi
Member, Landlord and Tenant Board

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