



Order under Section 69 Residential Tenancies Act, 2006

Citation: Jamal v Mirza, 2026 ONLTB 8059

Date: 2026-01-30

File Number: LTB-L-091979-25

In the matter of: 1217 GLOUCESTER SQ
PICKERING ON L1V3P7

Between: Harun Aboo Jamal Landlords
Roshan Sorathiya

And

Wajahat Abbas Mirza Tenants
Alina Abid Latif

Harun Aboo Jamal and Roshan Sorathiya (the 'Landlords') applied for an order to terminate the tenancy and evict Wajahat Abbas Mirza and Alina Abid Latif (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 19, 2026.

The Landlords, the Landlords' Legal Representative, Jacob Morgan, the Landlords' Support Person/Translator, Ashraf Sorathiya, and the Tenant, Wajahat Abbas Mirza, attended the hearing.

Determinations:

Preliminary Issue: Section 82 Disclosure

1. At the hearing, the Tenant wished to raise issues with the tenancy as permitted under s. 82 of the *Residential Tenancies Act, 2006* (the 'Act').
2. However, the Tenant confirmed that they had not disclosed any s. 82 issues to the Landlords prior to the hearing in accordance with Rule 19 of the Board's Rules of Procedure. Consequently, in the interests of procedural fairness, the Tenant was not permitted to bring those issues forward in relation to this application. However, the Tenant was informed that they could bring their own separate application afterwards if they so choose.

L1 Application:

3. 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.
4. As of the hearing date, the Tenants were still in possession of the rental unit.
5. The lawful rent is \$3,500.00. It is due on the 1st day of each month.
6. Based on the Monthly rent, the daily rent/compensation is \$115.07. This amount is calculated as follows: \$3,500.00 x 12, divided by 365 days.
7. The Tenants have not made any payments since the application was filed.
8. The rent arrears owing to January 31, 2026 are \$14,000.00.
9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. There is no last month's rent deposit.

Relief from Eviction:

11. 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.
12. The Tenant testified he is a cancer survivor with a wife and three children aged 7 months, 14 years old, and 16 years old. He is currently separated from his wife and youngest child due to personal stressors, though his two other children currently live with him in the unit.
13. The Tenant is also unemployed but in the process of applying for Ontario Disability Support Program benefits. The Tenant testified that he is also in the process of selling a property of his overseas and will be able to pay all the arrears owing within 45 days of the hearing. However, the Tenant did not submit any supporting documentation regarding the sale of any property.
14. The Tenant also testified that the Landlord would not accept any partial payments, however this claim was unsubstantiated by any supporting written communication between the parties and was challenged by the Landlords at the hearing. As it does not seem reasonable the Landlords would refuse any payments given the amount of arrears owing, and there was no further supporting evidence, I am not satisfied the Tenant proved this claim.
15. The Tenant testified that he wishes to preserve the tenancy as he is in the process of reconciling with his wife, and his children are happy in their current school. The Tenant thus requested the eviction either be postponed or he be allowed to complete a payment plan in order to pay down the arrears and minimize the disruption of a possible eviction.

16. The Landlords requested a standard eviction order as the Tenants have made no good faith payments in four months and the Tenant testified he is unemployed. The Landlords are also experiencing significant mental and financial stress as well due to the mounting arrears and poor relationship with the Tenant, which would only be exacerbated by delaying the eviction.
17. Having considered the parties' evidence and submissions, particularly the Tenant's financial situation and lack of good faith payments, I do not find a conditional order appropriate in the circumstances. I have also considered the Tenant's family circumstances for the possibility of postponing the eviction but find that to extend the termination date of the tenancy would increase the prejudice to the Landlord given the lack of good faith payments, the mounting arrears, and impending rent for February 2026. Therefore, I 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:**
 - \$14,186.00 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$17,686.00 if the payment is made on or before February 10, 2026. 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 February 10, 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 February 10, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$12,872.33. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlords compensation of \$115.07 per day for the use of the unit starting January 20, 2026 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 February 10, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 11, 2026 at 4.00% annually on the balance outstanding.

8. If the unit is not vacated on or before February 10, 2026, then starting February 11, 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 February 11, 2026.

January 30, 2026

Date Issued

Fotoula Hatzantonis

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 August 11, 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 31, 2026

Rent Owing To January 31, 2026	\$14,000.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$14,186.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 10, 2026

Rent Owing To February 28, 2026	\$17,500.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$17,686.00

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

Rent Owing To Hearing Date	\$12,686.33
Application Filing Fee	\$186.00
Total amount owing to the Landlords	\$12,872.33
Plus daily compensation owing for each day of occupation starting January 20, 2026	\$115.07 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	