



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-087072-24

In the matter of: 2, 26 Main Street
Newington ON K0C1Y0

Between: Rhonda Deline Tenant
Rodney Deline

And

Daniel Ninan Rodrigues Landlord

Rhonda Deline and Rodney Deline (the 'Tenant') applied for an order determining that Daniel Ninan Rodrigues (the 'Landlord'):

- did not give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant.

This application was heard by videoconference on January 22, 2026, at 09:00 am.

The Landlord Representative Marlise de Boer, the Landlord and the Tenant Rhonda Deline attended the hearing.

Preliminary motion:

1. At outset of hearing the Landlord Representative requested that only the issues raised in the amended application, filed be considered.
2. The Tenant raised no objections to the request as such I granted the motion.

Determinations:

3. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed

No 72-hour notice

4. It was uncontested that the tenancy had been terminated by order LTB-L-026159-24 issued on September 19, 2024 and that the Tenants failed to void the order resulting in the Court Enforcement Officer (Sherriff) enforcing the eviction on October 18, 2024.

5. It was the Tenant's testimony that between October 19 to October 22, 2024, they sent several requests that they been given until October 31, 2024, owing to personal circumstances, and or requesting a time to pick up their belongings, but the Landlord would either not reply or commit. They supported their submissions with text and emails entered in evidence.
6. The Tenant also testified that as a result of the Landlord's failure to provide them the requisite time to receive their property they incurred out of pocket expenses of \$74,000.00. However, they also testified to having no receipt or other documentation in evidence to support these expenses.
7. In response the Landlord Representative submitted that the Landlord, based on the Tenant's own communication had made themselves available to facilitate the Tenant's retrieval of their property by residing in the rental unit between October 18-20, 2024, and this was communicated to the Tenants. This was supported by screenshots, text and email entered in evidence.
8. It was also their submission that the Tenant was trying to enrich themselves having changed the amount initially sought from \$300.00 to \$74,000.00

Analysis

9. The following section of the *Residential Tenancies Act, 2006* (the "Act") are relevant:

Where eviction order enforced

41(2) Despite subsection (1), where an order is made to evict a tenant, the landlord shall not sell, retain or otherwise dispose of the tenant's property before 72 hours have elapsed after the enforcement of the eviction order. 2006, c. 17, s. 41 (2).

Same

41(3) A landlord shall make an evicted tenant's property available to be retrieved at a location close to the rental unit during the prescribed hours within the 72 hours after the enforcement of an eviction order.

10. Having considered the above testimony, evidence and for the reasons that follow I am not satisfied the Tenant has proven their case.
11. First, the Landlord was under obligation, despite the Tenant's personal circumstances, to give the Tenants until October 31, 2024, as requested, given the eviction order was enforced on October 18, 2024.
12. Secondly, having reviewed all the screen shots, email and text correspondence entered I am satisfied that between October 18, 2024, and October 20, 2024, the Landlord made themselves available and was not willing to extend to October 31, 2024, as evident by text on October 20, 2024. However, despite this the Tenant delayed the process by repeatedly asking to reschedule.

13. Therefore, I find that the Landlord did give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant. Accordingly on this basis I must dismiss the Tenant's application.

It is ordered that:

1. The Tenant's application is dismissed.

February 2, 2026
Date Issued

Kelly Delaney
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.