



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-104972-25

In the matter of: 604, 1305 WILSON AVE
TORONTO ON M3M1J2

Between: BIDDINGTON PROPERTY MANAGEMENT CORPORATION Landlord

And

SONIA SMITH Tenant

BIDDINGTON PROPERTY MANAGEMENT CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict SONIA SMITH (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

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

This application was heard by videoconference on January 27, 2026.

Only the Landlord's legal representative, Geoff Paine, a licensed paralegal, attended the hearing.

As of 10:03 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.

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, I find that it would not be unfair to grant relief from eviction. Therefore, I have made the conditional order set out below.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 2, 2025, the Landlord gave the Tenant an N8 notice of termination effective November 30, 2025. The notice of termination contains the following allegation: that the

Tenant has paid the rent late 12 of the 12 months in the period October 2024 to September 2025.

4. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent in October 2024 was paid on October 13th, in November it was paid on November 25th, in December it was paid on December 16th, in January, 2025 it was paid on January 21st and in February the rent was paid on February 25th. Rent in March was not paid nor was it paid in May, June and September. In April rent was paid on April 25th, in July it was paid on the 31st and in August rent was paid on August 20th.
5. At the hearing date there was no rent outstanding.
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.
8. The Landlord's legal representative requested the conditional order set out below to preserve the tenancy and, in my view, such an order is appropriate in all of the circumstances.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the lawful rent for February 2026 by the 15th day of February.
3. The Tenant shall pay their lawful monthly rent by the 1st day of each month beginning March 1, 2026 until February 1, 2027.
4. If the Tenant fails to comply with the conditions set out in paragraphs 2 and 3 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 Tenant.
5. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

6. If the Tenant does not pay the Landlord the full amount owing on or before February 22, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 23, 2026 at 4.00% annually on the balance outstanding.

February 2, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on August 14, 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.