



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-094256-25

In the matter of: 77 WOODROW CRES
LONDON ON N6E1E7

Between: Youssef Dibian
Fatima Dibian

Landlords

And

Cassie Stewart

Tenant

Youssef Dibian and Fatima Dibian (the 'Landlords') applied for an order to terminate the tenancy and evict Cassie Stewart (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 20, 2026.

Only the Landlords' Legal Representative, G. Hodgins, attended the hearing.

As of 1:43 p.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 Landlords's evidence.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. It is the uncontested evidence of the Landlords that they were made aware by a neighbour sometime around January 3, 2026, that the Tenant may have vacated the rental unit. The Tenant has not communicated with the Landlords or returned keys to the rental unit. The Landlords have not taken possession of the rental unit until they have a Board order or clear communication from the Tenant that they do not intend to return. I find that the Tenant is still in possession of the rental unit because by withholding the key from the Landlords the Tenant continues to exercise control over the rental unit.

4. The lawful rent is \$2,200.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$72.33. This amount is calculated as follows: \$2,200.00 x 12, divided by 365 days.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to January 31, 2026, are \$16,900.00.
8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.
10. 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 Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
11. The Tenant was not present at the hearing to share evidence with respect to their circumstances. The Tenant has not made any rent payments since the application was filed and the rent arrears have increased substantially. There is no reason before me to delay or deny eviction.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
 2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$17,086.00 if the payment is made on or before January 31, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$19,286.00 if the payment is made on or before February 10, 2026. See Schedule 1 for the calculation of the amount owing.
 3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has 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 Tenant may only make this motion once during the tenancy.
 4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before February 10, 2026.**
 5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$16,332.60. 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 Tenant shall also pay the Landlords compensation of \$72.33 per day for the use of the unit starting January 21, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before February 10, 2026, the Tenant 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

Sheena Brar
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 Tenant 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	\$16,900.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$17,086.00

B. Amount the Tenant 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	\$19,100.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$19,286.00

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

Rent Owing To Hearing Date	\$16,146.60
Application Filing Fee	\$186.00
Total amount owing to the Landlords	\$16,332.60
Plus daily compensation owing for each day of occupation starting January 21, 2026	\$72.33 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	