



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-102686-25

In the matter of: 3705, 39 ROEHAMPTON AVE
TORONTO ON M4P0G1

Between: Cyrus Amir Malakooti Landlord

And

Maryam Bazyarlooyeh Tenant
Ali Motaghi

Cyrus Amir Malakooti (the 'Landlord') applied for an order to terminate the tenancy and evict Maryam Bazyarlooyeh and Ali Motaghi (the 'Tenant') because:

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

This application was heard by videoconference on January 29, 2026.

The Landlord's legal representative, Parastoo Naderi and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

On November 24, 2025, the Landlord gave the Tenant an N8 notice of termination under section 58 (1) of the *Residential Tenancy Act, 2006* and deemed served on November 24, 2025. The notice of termination contains the following allegations:

- You have persistently paid the rent late. Details of your payment history are provided in Schedule A (attached).
3. 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 has been paid late 7 times in the past 7 months per

the N8 notice. Additionally, since the N8 notice was served, the Tenant continued paying the rent late for the December 2025, and January 2026.

Daily compensation, NSF charges, rent deposit

4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The Landlord collected a rent deposit of \$2,900.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$79.01 is owing to the Tenant for the period from December 22, 2024, to January 29, 2026.

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 rent was paid late during the period included on the N8 notice. The Tenant stated that they have a complicated financial situation, neither tenant is employed in Canada. Their primary source of funds is from their home country; however, they are currently unable to transfer money to Canada. The tenants arrived in Canada in October 2024, and their financial difficulties began around February 2025.
8. The Landlord stated that rent is due in full on the first day of each month and that the tenant has persistently failed to comply with this requirement. The Landlord relied on the payment history showing multiple late payments, including late payments made after the application was filed, to demonstrate that the problem is ongoing. The Landlord was however willing to accept a conditional pay and stay order pursuant to s.78 of the Act and reimbursement of the filing fee.

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 to the Landlord the lawful monthly rent on time, and in full, on or before the first day of each month, beginning March 1, 2026, up to (and including) February 1, 2027.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 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.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.

February 4, 2026
Date Issued

Nathan Korenberg
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 16, 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.