



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

File Number: LTB-L-091982-25

In the matter of: 71 FARLAIN LAKE RD W
TINY ON L9M0B9

Between: Margaret Zabel Landlord

And

Franca Zabel Tenant
Raymond Zabel

Margaret Zabel (the 'Landlord') applied for an order to terminate the tenancy and evict Franca Zabel and Raymond Zabel (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 22, 2026.

The Landlord's Legal Representatives, Aashirnie David and Elliott Goldstein, Power of Attorney for the Landlord, Catherine D'Angelo, and the Tenants attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the notice or before the day the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.

The lawful rent

3. The Tenants raised the preliminary issue that the lawful rent is not \$500.00 per month as they do not have a lease and that the agreement between the Tenants and the Landlord is that the Tenants would only pay for utilities and maintain the property.
4. The Landlord disputed this and provided documentation evidence to support that on July 29, 2011, there was an agreement that the Tenants would pay \$500.00

per month for rent. In addition, the Landlord's representative provided further documentation evidence that on December 13, 2024, the Tenants hired a lawyer to draft and send the Landlord a letter which states, the Tenants "were paying historically \$500.00 per month towards rent for the property"

5. After hearing the submissions of the parties, I find that that the documentation evidence corroborates the Landlord's position that the parties agreed that the Tenants' monthly rent is \$500.00.
6. Accordingly, I find that the lawful rent is \$500.00. It is due on the 1st day of each month.

The arrears owing

7. The rent arrears owing to January 31, 2026 are \$18,500.00, which is not being disputed.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. Accordingly, the total amount the Tenants owe the Landlord is \$18,686.00.

Relief from eviction

10. 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.
11. The Tenant offered to pay the arrears through a payment plan, to which the Landlord agreed. The order will reflect the terms proposed by the Tenant.

It is ordered that:

1. The Tenant shall pay to the Landlord \$18,686.00 for arrears of rent up to January 31, 2026 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) Monthly payments in the amount of \$3,100.00 towards the arrears starting February 15, 2026, to June 30, 2026 on or before the last day of each month.
 - b) A final payment on or before July 31, 2026 in the amount of \$3,186.00.

3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period March 1, 2026 to July 1, 2026, or until the arrears are paid in full, whichever date is earliest.
4. The Tenant is provided until February 20, 2026, to pay February's rent in full.
5. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after January 31, 2026.

February 9, 2026

Date Issued

Samantha Greaves

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.