



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

File Number: LTB-L-108037-25

In the matter of: 415, 24 MABELLE AVE
ETOBICOKE ON M9A 4X7

Between: Wilstar Management Ltd Landlord

and

Duran Bennett Tenant

Wilstar Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Duran Bennett (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 February 5, 2026.

Only the Landlord's representative, Mark Ciobotaru, attended the hearing.

As of 10:06 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. 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. The Landlord's representative requested to withdraw the claim for daily compensation in the application, I consented to the request.

N8 Notice of Termination

2. The Tenant was in possession of the rental unit on the date the application was filed. The parties have a month to month tenancy, and the rent is due on the 1st day of each month.
3. On December 10, 2025, the Landlord gave the Tenant an N8 notice with a termination date of February 28, 2026. The notice alleges that the Tenant has paid rent late 13 times since December 2024 to December 2025.

4. The Landlord's representative referred me to the Schedule "A" attached to the N8 notice which provides a detailed breakdown of the payments made by the Tenant. The schedule establishes that the Tenant has paid rent late every month from December 2024 to December 2025.
5. I accept the uncontested evidence of the Landlord and I find on a balance of probabilities, that the Tenant has persistently failed to pay rent on the date it was due.
6. The Landlord's representative submitted that since service of the N8 notice, the Tenant has paid rent on time for the months of January and February 2026. The Landlord's representative sought a conditional order for the Tenant to pay rent on time for 18 months.
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. While the Landlord's uncontested evidence established that the Tenant paid rent persistently late, I find that a conditional order is appropriate in these circumstances.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant pays to the Landlord the full lawful rent owing on or before the first day of each month, commencing March 1, 2026 and continuing thereafter for eighteen months (18), up to and including August 31, 2027.
2. If the Tenant fails to comply with the conditions set out in paragraph 1 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 Board without notice to the Tenant.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before February 28, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 1, 2026 at 4.00% annually on the balance outstanding.

February 19, 2026

Date Issued

Adeela Alvez

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.