



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

**File Number:** LTB-L-100885-25

**In the matter of:** 1805, 15 MERCER ST  
TORONTO ON M5V 1H2

**Between:** Kelum Hewage Landlord  
8884439 Canada Inc.

**and**

Shari Ambrose-Evans Tenant

Kelum Hewage and 8884439 Canada Inc. (the 'Landlords') applied for an order to terminate the tenancy and evict Shari Ambrose-Evans (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 17, 2026. The Landlord and their representative, Rizna Rishafy, and the Tenant attended the hearing.

**Determinations:**

*Section 82 Issues*

1. The Tenant wanted to raise maintenance issues during this hearing. The Tenant indicated that she filed a separate application filed which is pending to be scheduled.
2. The Landlords' representative objected. She indicated that she was not served in advance of the hearing with the Tenant's evidence and she was not made aware of the Tenant's intention to raise section 82 issues at this hearing. She stated that the Landlord is not prepared to respond to the Tenant's issues.
3. The Tenant responded that the Landlord is aware of the issues and has a copy of the Tenant's application and her evidence. I referred the Tenant to subsection 82(2) during the hearing and asked the Tenant whether she made the Landlord's representative aware of her intention to raise section 82 issues at this hearing. The Tenant responded that she was not aware of the requirement.
4. Rule 19.4 of the Board's Rules of Procedure provides that a Tenant who wishes to raise s.82 issues at a hearing must serve the Landlord and file with the

Board a list of their issues as well as their supporting evidence at least seven days before the hearing.

5. Rule 19.5 provides that a Tenant who fails to comply with s.19.4 shall not be permitted to raise these issues at the hearing unless the Board is satisfied that they could not comply.
6. Although the Tenant uploaded several documents to the Board and has filed a separate application, she did not serve the Landlord or his representative of her intention to raise section 82 issues at this hearing. In this case, the Tenant did not comply with the requirements set out in the Act and the Board's rules. Further, the Tenant had advance notice of this hearing and ample opportunity to raise s. 82 issues but she did not. For this reason, I did not hear any evidence or submission with respect to the Tenant's s.82 issues.

#### *Rent Arrears*

7. 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.
8. As of the hearing date, the Tenant was still in possession of the rental unit.
9. The lawful rent is \$3,000.00. It is due on the 5<sup>th</sup> day of each month.
10. It is not in dispute that the Tenant has not made any payments since the application was filed. The rent arrears owing to March 4, 2026, are \$18,000.00.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. Accordingly, the total amount the Tenant owes the Landlord is \$18,186.00.

#### *Relief from eviction*

12. 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.
13. The Tenant testified regarding her income and expenses. She indicated that she is able to pay \$1,000.00 monthly towards the arrears while continuing to pay her monthly rent.
14. The Landlord sought an eviction order for termination and eviction with 11 days for the Tenant to pay off all outstanding amounts and void the order. It is the Landlord's position that the tenancy is not viable, and that further delay would cause financial prejudice to the Landlord.

15. While the Landlord objected to a payment plan and submits that the tenancy is no longer viable, I find that it would not be unfair to grant relief from eviction. Although the Tenant did not file any documentary evidence regarding her monthly income and expenses, I found her testimony to be credible. I am satisfied that the Tenant is able to make payments towards the arrears while continuing to pay the ongoing rent. The payment plan also provides the Landlord with a clear schedule for repayment and an enforcement order in the event of a default. Having considered all the circumstances, I find that relief from eviction is appropriate in the circumstance.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$18,186.00 for arrears of rent up to March 4, 2026, which includes the \$186.00 filing fee.
2. The Tenants shall pay to the Landlords the amount set out in paragraph 1 in accordance with the following schedule:
  - a) The Tenant shall pay \$1,000.00 towards the arrears on or before the 17<sup>th</sup> day of each month, beginning March 17, 2026, up to and including August 31, 2027.
  - b) The Tenant shall pay the remaining balance of \$186.00 on or before September 17, 2027.
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 5, 2026 to September 30, 2027 or until the arrears are paid in full, whichever date is earliest.
4. 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 Board 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 March 4, 2026.

**February 25, 2026**  
**Date Issued**

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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.