



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-098452-25

In the matter of: 819, 32 TROLLEY CRES
TORONTO ON M5A 0E8

Between: Lewis Zolis Landlord

and

Welile Nxumalo Tenant

Lewis Zolis (the 'Landlord') applied for an order to terminate the tenancy and evict Welile Nxumalo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 17, 2026.

Only the Landlord attended the hearing.

As of 10:08 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 served the Tenant with the Notice to End Tenancy Early for Non-payment of Rent Notice (N4 Notice) by email on the Tenant on November 22, 2025. The N4 Notice has a termination date of December 12, 2025, which is the same date as the issuance of the application.
2. The Landlord confirmed that he filed the application on December 12, 2025.
3. The N4 Notice was served pursuant to s.59 of the *Residential Tenancies Act, 2006* ('the Act'). Subsection 74(1) of the Act states:

74 (1) A landlord may not apply to the Board under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 before the day following the termination date specified in the notice.

4. In this case, the Landlord's application does not comply with s. 74(1). The Landlord filed this application before the day following the termination date specified in the notice, which is December 12, 2025.

5. At the hearing, the Landlord was presented with the option to proceed for arrears only under s.87 of the Act for the periods reflected, with no possibility of termination of the tenancy if this money is not paid, or to have the application dismissed without prejudice to begin the process again. The Landlord indicated a preference for the former.

Rent arrears

6. As of the hearing date, the Tenant was still in possession of the rental unit.
7. The Tenant did not pay the total rent they were required to pay for the period from October 12, 2025, to March 11, 2026.
8. The lawful rent is \$1,900.00. It is due on the 12th day of each month.
9. The Tenant has paid \$3,800.00 to the Landlord after the application was filed.
10. The rent arrears owing to March 11, 2026, are \$5,700.00.
11. 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 Tenant shall pay to the Landlord \$5,886.00. This amount includes rent arrears owing up to March 11, 2026, and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 6, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 7, 2026, at 4.00% annually on the balance outstanding.

February 23, 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.