



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

File Number: LTB-L-107239-25

In the matter of: 1211, 20 GRAYDON HALL DR
NORTH YORK ON M3A2Z9

Between: DEVONSHIRE PROPERTIES INC. Landlord

And

SIBUSISIWE NDLOVU Tenant

DEVONSHIRE PROPERTIES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict SIBUSISIWE NDLOVU (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 3, 2026.

The Landlord's legal representative, Sarah Teal, and the Tenant's Agent, Cathy Ndlovu, attended the hearing.

Preliminary Issue:

1. The Landlord requested a summons for the Tenant to attend the hearing. The summons was served on the Tenant by way of email to the Tenant's Agent. The Tenant allegedly did not receive the summons.
2. The Tenant did not attend the hearing.
3. The Landlord had not seen the Tenant at the rental unit for some time and had concerns about the Tenant's whereabouts. The Landlord did not know whether the Tenant was alive.
4. The Tenant did not attend the hearing because she was seeking medical attention in the hospital. The hearing was stood down, so that the Tenant's Agent, the Tenant's daughter, could contact the Tenant at the hospital.
5. The Tenant confirmed by way of video call her whereabouts, the fact that she was residing in the rental unit, and that her daughter was authorized to represent her at the hearing.

Determinations:

6. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. A conditional order shall issue.
7. The Tenant was in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

8. On December 19, 2025, the Landlord gave the Tenant an N8 notice of termination with the termination date of February 28, 2026. This date is the last date of the rental period. The notice of termination contains the following allegations:

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 12 times in the past 13 months.

9. The Tenant did not dispute the fact that she has persistently failed to pay the rent on the date it was due.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

11. The Tenant has been residing in the rental unit since 2007.
12. According to the Tenant's Agent, the Tenant had incurred additional expenses due to her mother's cancer treatments, and as a result her rent payments were late. The Tenant's mother has since passed on and the Tenant's income has stabilized.
13. The Tenant resides in the rental unit with her daughter, who contributes to the payment of rent.
14. The Tenant is now paying rent by PAD (preauthorized debit), and has set up a separate account for rent, and as such, there should be no more late payments.
15. The Tenant has paid the rent on time since the N8 notice of termination was issued.
16. I have considered all of the disclosed circumstances of the Landlord and the Tenant 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.

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 the monthly rent to the Landlord in full and on time as it comes due on or before the 1st day of each and every month, starting April 1, 2026 until and including March 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 pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenant must pay the Landlord is \$186.00.
6. If the Tenant does not pay the Landlord the full amount owing on or before March 17, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 18, 2026 at 4.00% annually on the balance outstanding.

March 6, 2026
Date Issued

Jana Rozehnal
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.

