



Order under Section 69 Residential Tenancies Act, 2006

Citation: 2960 DON MILLS ROAD APTS v KAZEMI, 2026 ONLTB 22437

Date: 2026-03-19

File Number: LTB-L-057828-25

In the matter of: 907, 2960 DON MILLS RD W
NORTH YORK ON M2J3B8

Between: 2960 DON MILLS ROAD APTS

Landlord

And

MAHLAGHA KAZEMI

Tenant

2960 DON MILLS ROAD APTS (the 'Landlord') applied for an order to terminate the tenancy and evict MAHLAGHA KAZEMI (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 11, 2026.

The Landlord's representative Heather Butt and the Tenant attended the hearing.

Reasons:

Arrears

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,235.44. It is due on the first day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$40.62. This amount is calculated as follows: \$1,235.44 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2026 are \$12,281.53.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,235.44 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$4.98 is owing to the Tenant for the period from January 1, 2026 to March 11, 2026.

Section 82 issues

10. This matter was previously adjourned after the Tenant indicated that she intended to raise issues pursuant to section 82 of the *Residential Tenancies Act, 2006* (RTA). An interim order was issued requiring that she provide a written description of her issues, and pay her rent on time until the matter was heard.
11. The Tenant did not provide a written description of her issues, and did not pay any rent.
12. At the hearing, the Tenant sought to raise her issues, and to argue that the Landlord's conduct had prevented her from getting a job. I did not permit her to raise those issues, since she had not disclosed them as required by the LTB's Rules, and had not complied with the interim order. She will be free to bring her own application regarding her issues.

Relief from eviction

13. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlord attempted to negotiate a repayment agreement with the Tenant, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
14. The Tenant cannot afford the rent, and has not made any payments for many months. She asks that eviction be delayed for a few months. However, she concedes that she will not be able to pay any rent during those months, unless she gets a job.
15. It would be unfair to the Landlord to delay eviction, likely resulting in further arrears accruing. The Tenant has known for months that she was unable to afford the rent, and has already had more than enough time to look for a new home.
16. A standard order will therefore issue terminating the tenancy in eleven days unless the full arrears are paid.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**

- \$12,467.53 if the payment is made on or before March 30, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after March 30, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
 4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 30, 2026.**
 5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$10,438.49. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
 6. The Tenant shall also pay the Landlord compensation of \$40.62 per day for the use of the unit starting March 12, 2026 until the date the Tenant moves out of the unit.
 7. If the Tenant does not pay the Landlord the full amount owing on or before March 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 31, 2026 at 4.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before March 30, 2026, then starting March 31, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
 9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after March 31, 2026.

March 19, 2026
Date Issued

Dale Whitmore
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 30, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 30, 2026

Rent Owing To March 31, 2026	\$12,281.53
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$12,467.53

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$11,492.91
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,235.44
Less the amount of the interest on the last month's rent deposit	- \$4.98
Total amount owing to the Landlord	\$10,438.49
Plus daily compensation owing for each day of occupation starting March 12, 2026	\$40.62 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	