



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-006116-26

In the matter of: 1803, 701 Don Mills RD
East York ON M3C1R9

Between: Elm Place Inc. – 701 Don Mills Road Landlord

And

Amani Sabir Tenant

Elm Place Inc. – 701 Don Mills Road (the 'Landlord') applied for an order to terminate the tenancy and evict Amani Sabir (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 March 5, 2026.

Only the Landlord's representative Sharon Harris attended the hearing.

As of 10:25am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, the tenancy shall continue subject to terms and conditions set out below.
2. The Landlord served a Notice of Termination under section 58 (1) of the Residential Tenancies Act, 2006

58 (1) A landlord may give a tenant notice of termination of their tenancy on any of the following grounds:

- The tenant has persistently failed to pay rent on the date it becomes due and payable.
3. The Tenant was in possession of the rental unit on the date the application was filed.
 4. The rent is due on the first day of each month and this is a month-to-month tenancy.
 5. On November 20, 2025, the Landlord gave the Tenant an N8 notice of termination which indicated a termination date of January 31, 2026. The notice of termination states that the Tenant has persistently failed to pay rent on the date that it is due.
 6. The Landlord's representative submits from November 1, 2024, to November 1, 2025, the Tenant paid rent late 12 times out of 13 months. The Landlord's representative referred to a ledger providing specific payment information and payment dates over this period.
 7. I am satisfied based on a balance of probabilities and based on the uncontested evidence of the Landlord, that the Tenant has persistently failed to pay rent the date it was due.
 8. The Tenant paid the application filing fee on February 19, 2026.

Relief From Eviction

9. 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.
10. The Landlord submits that since service of the N8 notice of termination, the Tenant has made improvements with respect to paying their rent in full and on time. Since the notice of the termination was given the Tenant has made the following payments with respect to their monthly rent.
 - December 2025, rent partially paid;
 - January 2026, rent paid on January 14, 2026, covering all arrears;
 - February 2026, rent paid on February 19, 2026;
 - March 2026, rent paid on March 2, 2026.
11. The Landlord is seeking termination of the tenancy and submit that they have filed a previous application with the Board for arrears which was discontinued. The Landlord also requested a pay on time order if the Tenant was present at the hearing.
12. As noted, the Tenant did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances. At the hearing, the Landlord also requested a pay on time order. Given the circumstances, I find this request to be quite reasonable and so the Landlord's request is granted. I am satisfied that it is likely a pay on time order will correct the behaviour of the Tenant.
13. This order contains all of the reasons within it and no further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. Commencing April 1, 2026, and continuing up to and including March 1, 2027, the Tenant shall pay their lawful monthly rent, in full and on or before the first day of each month.
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 has paid the Landlord the cost of filing the application.

March 18, 2026
Date Issued

Reshad Nazeer
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.