



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

File Number: LTB-L-004330-26

In the matter of: 1809, 55 WYNFORD HEIGHTS CRES
NORTH YORK ON M3C 1L4

Between: H&R Property Management Landlord

and

Mohammad Aslam Popal Tenants
Atifa Popal

H&R Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Mohammad Aslam Popal and Atifa Popal (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 30, 2026.

The Landlord's representative, Sabrina Marchionne, and the Tenant, Mohammad Aslam Popal, attended the hearing on behalf of all Tenants.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$2,153.78. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$70.81. This amount is calculated as follows: \$2,153.78 x 12, divided by 365 days.
5. The Tenants have paid \$3,048.42 to the Landlord since the application was filed.
6. It is undisputed that the rent arrears owing to March 31, 2026, are \$6,169.23. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. Accordingly, \$6,355.23 remains outstanding.

7. The Landlord collected a rent deposit of \$2,050.00 from the Tenants 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.
8. Interest on the rent deposit, in the amount of \$10.50 is owing to the Tenants for the period from January 1, 2026, to March 30, 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 postpone the eviction until May 25, 2026, pursuant to subsection 83(1)(b) of the Act.
10. The parties were unsuccessful resolving the issue of rent arrears through a payment plan. The Landlord sought an eviction order for termination and eviction with 11 days for the Tenants to pay off all outstanding amounts and void the order. Alternatively, if I am considering delaying the eviction, the Landlord's representative indicated that the delay be 30 to 45 days.
11. In this case, the Tenant testified that he has one minor child and his elderly mother lives with him. The Tenants' household income is \$3,000.00 and the expenses are \$5,000.00 which includes the rent. Based on the evidence before me, the Tenants have paid \$3,048.42 since the application has been filed, but their income is insufficient to meet their monthly expenses. I find that the tenancy is not viable. However, I find that a postponement is reasonable to allow the Tenants an opportunity to preserve their tenancy, or if necessary, secure alternative accommodation.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the Board in trust:**
 - \$8,509.01 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$10,662.79 if the payment is made on or before May 25, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the Board to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after May 25, 2026, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before May 25, 2026.**

5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$4,265.25. 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 Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$70.81 per day for the use of the unit starting March 31, 2026, until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before May 25, 2026, the Tenants will start to owe interest. This will be simple interest calculated from May 26, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 25, 2026, then starting May 26, 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 May 26, 2026.

April 10, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 26, 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2026

Rent Owing to April 30, 2026	\$11,371.43
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,048.42
Total the Tenants must pay to continue the tenancy	\$8,509.01

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before May 25, 2026

Rent Owing to May 31, 2026	\$13,525.21
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,048.42
Total the Tenants must pay to continue the tenancy	\$10,662.79

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing to Hearing Date	\$9,188.17
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,048.42
Less the amount of the last month's rent deposit	- \$2,050.00
Less the amount of the interest on the last month's rent deposit	- \$10.50
Total amount owing to the Landlord	\$4,265.25
Plus, daily compensation owing for each day of occupation starting March 31, 2026	\$70.81 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	