



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

File Number: LTB-L-104855-24

In the matter of: Basement, 281 SCOTT BLVD
MILTON ON L9T6Z7

Between: Usman Syed Landlord
Ayesha Usman

And

Nabeel Bilal Shams Tenant

Usman Syed and Ayesha Usman (the 'Landlord') applied for an order to terminate the tenancy and evict Nabeel Bilal Shams (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2026.

Only the Landlord attended the hearing. The Landlord was represented by Colin James Mitchell.

As of 1:16pm, 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:

Preliminary Issue: Was the Tenant in Possession?

1. At the hearing, I raised a preliminary issue of whether the Tenant was in possession of the rental unit at the time the N4 was served and when the application was filed as both the N4 and N14 were served to the rental unit on December 5, 2024.
2. The Landlord testified that the Tenant moved out at some point prior to the service of the N4 but returned to the rental unit in February 2025 and remained there until the entire family (spouse and kids) moved out on March 8, 2025
3. The Landlord submits at the hearing in April 2025, while the Tenant was not present, his spouse and counsel were present; the Landlord submits the Tenant was aware of the proceedings which is how the Tenant's spouse attended.

4. The Landlord's representative confirms he served the interim order to the Tenant as per the Board's direction and did not receive any response from the Tenant nor did the email bounce back.
5. Based on the submissions before the Board, I am satisfied the Tenant was in possession of the rental unit when the application was filed and aware of the proceedings when they sent their counsel at the hearing in April 2025.
6. I proceeded to hear the Landlord's application, uncontested.

L1 APPLICATION

7. 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.
8. The Tenant was in possession of the rental unit on the date the application was filed.
9. The Tenant vacated the rental unit on March 8, 2025. Rent arrears are calculated up to the date the Tenant vacated the unit.
10. The lawful rent is \$1,650.00. It was due on the 1st day of each month.
11. The Tenant has not made any payments since the application was filed.
12. The rent arrears owing to March 8, 2025 are \$7,034.00.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
14. The Landlord collected a rent deposit of \$1,650.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
15. Interest on the rent deposit, in the amount of \$63.40 is owing to the Tenant for the period from August 25, 2023 to March 8, 2025.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of March 8, 2025, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$5,506.60. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant.
3. If the Tenant does not pay the Landlord the full amount owing on or before April 19, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 20, 2026 at 4.00% annually on the balance outstanding.

April 8, 2026
Date Issued

Sonia Anwar-Ali
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.