



Order under Section 69 Residential Tenancies Act, 2006

Citation: Whitewall Property Corporation v Khaleghihamidi, 2026 ONLTB 31065

Date: 2026-04-16

File Number: LTB-L-007907-26

In the matter of: 4, 9 ALBANY AVE
TORONTO ON M5R3C2

Between: Whitewall Property Corporation

Landlord

And

Mirsaeed Khaleghihamidi

Tenant

Whitewall Property Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Mirsaeed Khaleghihamidi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 13, 2026.

The Landlord's representative Mark Ciobotaru and the Tenant attended the hearing.

Determinations:

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 \$1,049.56. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$34.51. This amount is calculated as follows: \$1,049.56 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 April 30, 2026 are \$4,198.24.
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 \$500.00 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 \$31.59 is owing to the Tenant for the period from August 28, 2023 to April 13, 2026.
10. The Tenant stated that the Landlord owes them money. Section 82 of the *Residential Tenancies Act, 2006* ('the Act') and Rule 19.4 and 19.5 of the Board's Rules of Procedure establishes that a tenant who wishes to raise a tenant issue at a rent arrears hearing must provide a written description of the issue to both the Landlord and the Board at least 7 days before the hearing. The Tenant did not do so and did not provide a reasonable explanation for not doing so. As such no tenant issues were heard.
11. The Tenant testified that his only source of income is old age security in the amount of \$1,700.00 monthly. A payment plan would not be fair in the circumstances because the Tenant did not put forward a viable payment plan. At first the Tenant suggested paying \$0.00 towards the arrears and then later suggested \$1.00. The Tenant's testimony suggested that he does not intend to pay the arrears.
12. 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. The Tenant's proposal to pay \$1.00 monthly towards the arrears and the testimony given by the Tenant at the hearing does not support that he intends to pay the arrears to the Landlord. Any delay before terminating the tenancy would be unfair to the Landlord in those circumstances.

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:**
 - \$4,384.24 if the payment is made on or before April 27, 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 April 27, 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 April 27, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$3,251.72. 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 \$34.51 per day for the use of the unit starting April 14, 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 April 27, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 28, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before April 27, 2026, then starting April 28, 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 April 28, 2026.

April 16, 2026
Date Issued

Amanda Kovats
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 October 28, 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 April 27, 2026

Rent Owing To April 30, 2026	\$4,198.24
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$4,384.24

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

Rent Owing To Hearing Date	\$3,597.31
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$500.00
Less the amount of the interest on the last month's rent deposit	- \$31.59
Total amount owing to the Landlord	\$3,251.72
Plus daily compensation owing for each day of occupation starting April 14, 2026	\$34.51 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	