



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

File Number: LTB-L-011447-26

Date: 2026-05-07

In the matter of: 406, 5 CARRIAGE RD
ST CATHARINES ON L2P3K2

Between: HUME INVESTMENTS LTD Landlord

And

RAYYAN GHABOUN Tenant

HUME INVESTMENTS LTD (the 'Landlord') applied for an order to terminate the tenancy and evict RAYYAN GHABOUN (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

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 April 28, 2026.

The Landlord's Agent, Drenka Gostimir, and the Tenant attended the hearing.

Determinations:

L2 – Persistent Late Payment of Rent

1. The Landlord has proven on a balance of probabilities that the Tenant is persistently late paying the rent. As a result of considering all the circumstances pursuant to 83(2) of the *Residential Tenancies Act, 2006*, I exercise my discretion to issue a conditional order and not terminate the tenancy.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,626.00. It is due on the first day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$53.46. This amount is calculated as follows: \$1,626.00 x 12, divided by 365 days.

5. The Tenant has paid rent late 13 out of 17 times late in the last 17 months, according to the ledger the Landlord provided (Exhibit 1 - DOC-7317033)
6. The Landlord submitted that the Tenant has made the last 4 payments, April, March, February and January 2026 in full and on time since before the application was filed on February 2, 2026. I find this to be a mitigating factor.
7. I therefore find that the Tenant is persistently late paying rent.
8. The Landlord collected a rent deposit of \$1,626.00 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. Interest was last paid on the rent deposit on April 30, 2025.
9. The Landlord paid the cost of \$186.00 to file the application and is entitled to recover that cost.

Relief from Eviction

10. The Landlord sought to terminate the tenancy and evict the Tenant for persistent late payment of rent. After the Tenant testified, however, she indicated that her instructions were to seek eviction but that she thought the Tenant would follow a conditional order.
11. The Tenant testified that he had a hard year with his restaurant business. He currently works two jobs, one at the restaurant and another as a taxi driver. He makes \$150/day as a taxi driver and his restaurant business is now seeing \$100 profit/day. He also testified that his wife just had a baby, but has returned to work and is making \$1800/month.
12. The Tenant would like to continue the tenancy because he has a young family and has made four good faith payments on time and in full since January 2026.
13. I am inclined to agree with the Tenant because he has an infant in the rental unit, can pay the monthly rent, and has made four recent, consecutive payments on time. Therefore, 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.

It is ordered that:

1. As I have found the Tenant persistently late, the Tenant shall pay to the Landlord the cost of filing the application, \$186.00.
2. The Tenant shall pay the Landlord the monthly rent due on or before the first day of the month for the period **of June 2026 to December 2026.**

3. If the Tenant fails to make any of the payments in paragraphs 1 or 2 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant.

May 7, 2026
Date Issued

Vanessa Davies
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 of the Tenant expires on November 19, 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.