



Order under Section 69 Residential Tenancies Act, 2006

Citation: Karimi v Chantelle, 2026 ONLTB 35468

Date: 2026-05-08

File Number: LTB-L-014760-26

In the matter of: Main Floor Ap, 155 HURON ST
OSHAWA ON L1H5E3

Between: Said Karimi Landlord

and

Nanoo Monique Chantelle Tenants
Ibrahim Abdullah

Said Karimi (the 'Landlord') applied for an order to terminate the tenancy and evict Nanoo Monique Chantelle and Ibrahim Abdullah (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 28, 2026.

The Landlord and the Tenants attended the hearing. The Tenants declined the opportunity to speak with Duty Counsel prior to the start of the proceeding.

Determinations:

1. The Landlord served the Tenants with a 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 \$1,800.00. It is due on the 1st day of each month.
4. The Tenants dispute the amounts claimed owing and claim the Landlord has not accounted for all the payments they made.
5. The Landlord provided a ledger in support of the amounts he alleges are outstanding. The Landlord testified he applied the e-transfers to arrears owed from before the period on the N4 Notice. As a result, the arrears he claims as owing on the N4 Notice start in October 2025 and only \$415.00 was applied to October 2025.
6. The Tenants confirmed the Landlord accounted for all of their e-transfer payments; however, the Tenants testified they also paid rent in cash and so there were no arrears owed prior to October 2025.

7. The Landlord denied he ever received any cash payments and testified all payments were made via e-transfer.
8. The N4 Notice was served on February 3, 2026. The N4 Notice claims \$415.00 was paid for rent for October 2025 through February 2026.
9. Upon further consideration of the evidence, the ledger records the arrears owed as at June 2025 were \$4,750.00, with an additional \$5,400.00 owed for July through September 2025, totalling \$10,150.00. The Landlord and the Tenants agree the total paid by way of e-transfer as of February 3, 2026, was \$9,835.00. This leaves a difference of \$315.00. An amount that is less than the \$415.00 the Landlord applied towards October's rent. There is a total of \$730.00 of unaccounted for payments to make the Landlord's ledger and N4 Notice align with the Landlord's testimony of how payments were applied and why the N4 Notice claimed \$415.00 paid for October 2025 rent.
10. As a result, I find the Landlord either did not apply the payments as he testified, or the ledger is inaccurate. In either event, I am not satisfied the N4 Notice is an accurate statement of what was outstanding for the period claimed.
11. As discussed in *Mauti v Gibbs*, 2019 ONSC 3355 at para. 27, on an L1 Application, it is always the Landlord's burden to prove the arrears owing, not the Tenants. While the Tenants have the opportunity to respond and rebut the Landlord's evidence, the legal burden to prove the arrears owing on a balance of probabilities is always that of the Landlord.
12. In this case, I am not satisfied the Landlord has carried their burden as I am not satisfied the Landlord's ledger is reliable and so I find the Landlord has not shown it is more likely than not that the amount of arrears claimed are owed. I do not find it necessary to address the credibility of the Tenants' testimony or payments as I am not satisfied that the Landlord has even met his burden of establishing what was owing and at what time.
13. As a result, I find the N4 Notice is invalid and the application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 8, 2026
Date Issued

Nicole Pedron
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.