



Order under Section 69 Residential Tenancies Act, 2006

Citation: Khadivi v Pham, 2026 ONLTB 42077

Date: 2026-06-03

File Number: LTB-L-012905-26

In the matter of: 2986A DUFFERIN ST
Toronto ON M6B3T3

Between: Vali Allah Khadivi Landlord
Ali-Reza Rezapoor

And

Dian Pham Tenant
Thanh Viet Pham

Vali Allah Khadivi and Ali-Reza Rezapoor (the 'Landlords') applied for an order to terminate the tenancy and evict Dian Pham and Thanh Viet Pham (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenants owe. (L1 Application)
- the Tenants, another occupant of the rental unit or a person the Tenants permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex. (L2 Application)

The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on May 20, 2026.

Only the Landlord, Ali-Reza Rezapoor, the Landlords' Agent, Ahmad Rezapoor, and the Landlords' Legal Representative Ali Golabgir, attended the hearing.

As of 9:52 AM, the Tenants were 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 Landlords' evidence.

Determinations:

1. The Landlords 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 \$2,500.00. It is due on the first day of each month.
4. Based on the monthly rent, the daily rent/compensation is \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to May 31, 2026, are \$12,500.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,500.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. At the hearing, the Landlords sought to withdraw the L2 Application, and I consented to the request. The L2 Application is withdrawn.
10. 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 Landlords attempted to negotiate a repayment agreement with the Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
 - \$15,186.00 if the payment is made on or before June 14, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB 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 June 14, 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 June 14, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$9,329.80. 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 Landlords owe 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 \$82.19 per day for the use of the unit starting May 21, 2026, until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before June 14, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 15, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 14, 2026, then starting June 15, 2026, the Landlords 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 Landlords on or after June 15, 2026.
10. The L2 Application is withdrawn.

June 3, 2026
Date Issued

Jeanie Theoharis
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 December 15, 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 June 14, 2026

Rent Owing To June 30, 2026	\$15,000.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$15,186.00

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

Rent Owing To Hearing Date	\$11,643.80
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,500.00
Total amount owing to the Landlords	\$9,329.80
Plus daily compensation owing for each day of occupation starting May 21, 2026	\$82.19 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	