

**Amended Order
Order under Section 69
Residential Tenancies Act, 2006
And Section 21.1 of the Statutory Powers Procedure Act**

File Number: LTB-L-021018-26-AM

In the matter of: 1209, 2255 WESTON RD
NORTH YORK ON M9N1Y7

Between: WESTON CO-OWNERSHIP APARTMENTS INC. Landlord

And

OMAR TOURE Tenant

WESTON CO-OWNERSHIP APARTMENTS INC. (the 'Landlord') applied for an order to terminate the tenancy and evict OMAR TOURE (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on May 21, 2026. The Landlord's Representative, Lily McMillan, and the Tenant, Represented by Johnson Luyiga, attended the hearing.

This amended order is issued to correct clerical errors contained in the order issued May 28, 2026.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy shall continue subject to conditions.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On December 18, 2025, the Landlord gave the Tenant an N8 notice of termination alleging the Tenant has persistently paid their rent late.
4. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late 11 times in 2025. Since the application was filed, the Tenant has paid their rent on the date it becomes due.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

6. 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. The Landlord seeks a 12-month pay on time order advising the Tenant has paid their rent on time in 2026. However, the Landlord submits there is a history of late payment of rent since the beginning of the tenancy.
7. The Tenant agrees to a conditional order but says that they should not be subject to s.78. They state the Landlord has, in the past, filed based breaches that were unfounded and been subject to ex-parte orders which had to be challenged.
8. They also argue that a 12-month conditional order is overreaching because the Tenant has been paying their rent on time since the application was filed in March. Further, they allege that some of the late payments is due to missed work which they attribute to the Landlord's failure to maintain the rental property.
9. I am not in favour of issuing a conditional order without attaching s.78, because this would leave the Landlord without recourse if the Tenant continues to persistently pay their rent late. I find that a nine-month conditional order allows the Tenant an opportunity to maintain their tenancy while also limiting further prejudice to the Landlord. However, to address the Tenant's concerns about ex-parte orders being filed without the Tenant's knowledge, I have included a term that the Tenant shall be given notice of the Landlord's intention to file an application seeking an ex-parte order in advance of doing so.
10. The Tenant paid the Landlord the filing fee on April 10, 2026.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenants shall pay the Landlord the lawful monthly rent on the date it becomes due for a period of 9 months commencing July 1, 2026, through **February 1, 2027**.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition.
4. If the Tenant is alleged to have breached this order, the Landlord shall give to the Tenant 24-hours' notice of their intention to file an application for termination of the tenancy with the Board.

June 11, 2026
Date Amended

Jane Dean
Member, Landlord and Tenant Board

May 28, 2026
Date Issued

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.