



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-034459-26

In the matter of: 58 ELGIN ST. S.
CAMBRIDGE, ON N1R 5G5

Between: Ahmer Zaman Khan Landlords
Agata Zbijowska-Khan

and

Robert Fuller Tenant

Ahmer Zaman Khan and Agata Zbijowska-Khan (the 'Landlords') applied for an order to terminate the tenancy and evict Robert Fuller (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 8, 2026.

The Landlords and the Tenant attended the hearing.

Determinations:

Tenant's issues

1. The Tenant wanted to raise maintenance issues; however, he acknowledged that he has not properly raised his issues as required by s. 82(2) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlords were not prepared to respond to the Tenant's issues because the Tenant did not make the Landlord aware of his intention to raise s.82 issues in advance of this hearing.
2. Rule 19.4 of the Board's Rules of Procedure provides that a Tenant who wishes to raise s.82 issues at a hearing must serve the Landlords and file with the Board a list of their issues as well as their supporting evidence at least seven days before the hearing. Further, Rule 19.5 provides that a Tenant who fails to comply with s.19.4 shall not be permitted to raise these issues at the hearing unless the Board is satisfied that they could not comply. In this case, the Tenant had advance notice of these hearings and several opportunities to properly raise s.82 issues, but he did not.
3. For the reasons set out above, I did not hear any evidence or submission regarding the Tenant's s.82 issues.

L1 Application

4. The Landlords 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.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,060.00. It is due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$34.85. This amount is calculated as follows: $\$1,060.00 \times 12$, divided by 365 days.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to June 30, 2026, are \$3,180.00.
10. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlords collected a rent deposit of \$1,060.00 from the Tenant 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.
12. Interest on the rent deposit, in the amount of \$49.25 is owing to the Tenant for the period from June 1, 2024, to June 8, 2026.

Relief from Eviction

13. 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 postpone the eviction until July 31, 2026, pursuant to subsection 83(1)(b) of the Act.
14. The parties were unsuccessful resolving the issue of rent arrears through a payment plan. The Landlord sought an eviction order for termination and eviction with 11 days for the Tenant to pay off all outstanding amounts and void the order.
15. The Tenant did not wish to preserve his tenancy. He requested a delay of 5-7 weeks. While the Landlords submitted that further delay or payment plan would cause prejudice, no documentary evidence was provided in support of that position. Therefore, I am satisfied that a postponement is not unfair to allow the Tenant an opportunity to secure alternative accommodation.

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 Board in trust:**

- \$3,366.00 if the payment is made on or before June 30, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$4,426.00 if the payment is made on or before July 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the Board 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 July 31, 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 July 31, 2026.**
 5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$1,475.55. 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 \$34.85 per day for the use of the unit starting June 9, 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 July 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from August 1, 2026 at 4.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before July 31, 2026, then starting August 1, 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 August 1, 2026.

June 15, 2026
Date Issued

Adeela Alvez
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 February 1, 2027 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 June 30, 2026

Rent Owing To June 30, 2026	\$3,180.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$3,366.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before July 31, 2026

Rent Owing To July 31, 2026	\$4,240.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$4,426.00

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

Rent Owing To Hearing Date	\$2,398.80
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,060.00
Less the amount of the interest on the last month's rent deposit	- \$49.25
Total amount owing to the Landlord	\$1,475.55
Plus daily compensation owing for each day of occupation starting June 9, 2026	\$34.85 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	