



**Order under Subsection 74(2)
Residential Tenancies Act, 2006**

File Number: LTB-L-025470-26

In the matter of: 1 KIRKPATRICK CRT
KANATA ON K2L4A6

Between: Afshan Khan Landlord

and

Fadhel Toumi Tenant
Asma Dhifi

Afshan Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Fadhel Toumi, Asma Dhifi (the 'Tenant'), Ghalia Toumi and Aicha Toumi because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 3, 2026, at 2:01 p.m.

The Landlord and the Tenant attended the hearing. Uzair Hussaini was present as support for and to speak as agent on behalf of his aunt, the Landlord. The Tenant declined the opportunity to speak with Duty Counsel prior to the start of the proceeding.

Determinations:

1. The Tenant confirmed Ghalia Toumi and Aicha Toumi are their minor children. As a result, we find Ghalia Toumi and Aicha Toumi can not be parties to the tenancy agreement, that they are occupants, and the application is amended to remove them as named parties.
2. Based on the evidence before us we were satisfied, and the parties agreed, that the lawful rent was \$2,500.00.
3. The Landlord's application was brought under section 69 of the *Residential Tenancies Act, 2006* ('RTA') based on a notice of termination that was served under section 59 of the RTA.
4. Section 74(2) of the RTA provides:
(2) An application by a landlord under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 shall be discontinued if, before the Board issues the eviction order, the Board is satisfied that the tenant has paid to the landlord or to the Board,

- (a) the amount of rent that is in arrears under the tenancy agreement;
 - (b) the amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given; and
 - (c) the landlord's application fee.
5. At the hearing, the Landlord confirmed that prior to the hearing the Tenant paid all rent that was in arrears, all additional rent that would have been due under the tenancy agreement for the period ending June 30, 2026, and the filing fee.
 6. Under s. 74(2) of the RTA the language is mandatory that the consequence of a tenant paying all arrears and the filing fee before the LTB issues an order is discontinuance of the application.
 7. As a result, we find the Landlord's application for an order terminating the tenancy and evicting the Tenants based on arrears of rent was automatically discontinued to June 30, 2026.
 8. Once an application has been discontinued, the LTB lacks the authority to issue a further order based on the discontinued application. In these circumstances, issues the Landlord wished to raise with respect to the timing of rent payments were not properly before us and could not be addressed on this application.

It is ordered that:

1. The Landlord's application is dismissed as discontinued.

June 19, 2026
Date Issued

Krista-Maria White
Member, Landlord and Tenant Board

Rebecca Case
Vice-Chair, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.