



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-034058-26

In the matter of: 2024 Upper Middle Rd E
Oakville ON L6H7G5

Between: Zuhair Rassam Landlord

And

Diamat Kovacs Tenants
Lorena Cristina Birsan

Zuhair Rassam (the 'Landlord') applied for an order to terminate the tenancy and evict Diamat Kovacs and Lorena Cristina Birsan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 22, 2026.

Only the Landlord and the Landlord's Representative, Alaa Nahhab, attended the hearing.

As of 9:55 a.m., 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 Landlord's evidence.

Determinations:

1. The Landlord 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 \$3,650.00. It is due on the 8th day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$120.00. This amount is calculated as follows: \$3,650.00 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 July 7, 2026, is \$55,800.00.

7. The rent arrears owing to the Landlord are more than the LTB's monetary jurisdiction. Under subsection 207(1) of the Residential Tenancies Act, 2006 (the 'Act') the LTB may order payment up to \$50,000.00. Proceeding with this application at the LTB extinguishes any rights the Landlord may have to claim the full amount owing at the LTB or a court. The Landlord was made aware of the LTB's monetary jurisdiction and chose to proceed with this application.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$3,650.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
10. Interest on the rent deposit, in the amount of \$249.49 is owing to the Tenants for the period from August 8, 2023, to June 22, 2026.
11. The Tenants is being ordered to pay \$50,000.00 for rent arrears, daily compensation, plus the Landlord's cost of filing the application, if the Tenants do not void the order. However, if the Tenants chooses to void this order and continue the tenancy, they must pay the full amount of arrears and costs owing to the Landlord.
12. 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 Landlord 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.

The Board's Monetary Jurisdiction

13. The amount claimed by the Landlord exceeds the monetary jurisdiction of the Board. Subsection 207(1) of the Act limits the monetary jurisdiction of the Board to that of the Small Claims court, which is currently \$50,000.00.
14. The Landlord was advised of the Board's monetary limitation and that section 207 (3) of the Act provides if a party obtains a Board order at the maximum amount all rights of the party in excess of the Board's monetary jurisdiction are extinguished. The Landlord acknowledged that the maximum the Board can order the Tenant to pay is \$50,000.00.

It is ordered that:

1. The tenancy between the Landlord 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 Landlord or to the LTB in trust:**
 - \$55,986.00 if the payment is made on or before July 6, 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 July 6, 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 July 6, 2026.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$50,186.00. 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 Tenants. The amount the Tenants is ordered to pay, excluding costs, is limited by the LTB's monetary jurisdiction. See Schedule 1 for the calculation of the amount owing.
6. If the Tenants do not pay the Landlord the full amount owing on or before July 6, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 7, 2026, at 4.00% annually on the balance outstanding.
7. If the unit is not vacated on or before July 6, 2026, then starting July 7, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 July 7, 2026.

June 25, 2026
Date Issued

Joshua Labbe
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 January 7, 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before July 6, 2026

Rent Owing To July 7, 2026	\$55,800.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$55,986.00

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

Rent Owing To Hearing Date	\$53,950.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$3,650.00
Less the amount of the interest on the last month's rent deposit	- \$249.49
Total amount owing to the Landlord (limited by monetary jurisdiction)	\$50,186.00