



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-017255-26

In the matter of: 4, 39 West St
Trenton ON K8V2L7

Between: Hammad Arif Landlord

And

Hillary Whye Tenants
David Richard

Hammad Arif (the 'Landlord') applied for an order to terminate the tenancy and evict Hillary Whye and David Richard (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on June 3, 2026. Only the Landlord attended the hearing.

As of 10:30 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, the Tenants shall be permitted to preserve the tenancy, subject to the terms and conditions set out in this order below.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On January 13, 2026, the Landlord gave the Tenants an N5 notice of termination. The notice of termination contains that the Tenants failed to provide proof of liability insurance despite being requested to do so by the Landlord and in contravention of the tenancy agreement.

4. The Tenant did not correct the omission within seven days after receiving the N5 notice of termination. The Tenants did not comply by providing proof of tenant insurance to the Landlord within the voiding period. Therefore, the Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
5. The Landlord also submitted that as of the date of the hearing, the Tenants did not comply with the notice.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction:

7. 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.
8. Since the Tenants did not attend the hearing of this matter, I did not have the opportunity to hear their evidence regarding their circumstances. Or to dispute the Landlord's application for an eviction order. However, I see no reason to not allow the Tenants with an opportunity to preserve their tenancy. The issue in dispute is quite straight forward- and therefore, a conditional order shall issue.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. On or before July 10, 2026, the Tenants shall provide the Landlord with proof of valid tenant insurance. The Tenants shall also ensure that the insurance policy remains valid and in good standing with their insurer for the remainder of the tenancy.
3. Upon reasonable written request of the Landlord, the Tenants shall provide proof of compliance within the context of paragraph 2, within 48 hours of receiving the written request of the Landlord.
4. If the Tenants fail to comply with the conditions set out in paragraphs 2 and 3 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 Tenants. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
5. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
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.

June 25, 2026
Date Issued

Curtis Begg
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.