



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Rizvi v Orser, 2023 ONLTB 77913

**Date:** 2023-11-30

**File Number:** LTB-L-028478-23

**In the matter of:** BASEMENT, 780 SOMBRERO WAY MISSISSAUGA  
ON L5W1S8

**Between:** Aamna Rizvi Landlords  
Syed Faheem Hosain

**And**

Chelsea Orser Tenant

Aamna Rizvi and Syed Faheem Hosain (the 'Landlords') applied for an order to terminate the tenancy and evict Chelsea Orser (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on November 14, 2023.

The Landlords, the Tenant and the Tenant's support Karen Order attended the hearing.

**Determinations:**

1. As explained below, the Landlords has proven on a balance of probabilities the grounds for termination of the tenancy and/or the claim for compensation in the application. However, I find that it would not be unfair to grant relief from eviction on the condition that the Tenant pay the rent on time for a 12-month period.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 24, 2023, the Landlords gave the Tenant an N8 notice of termination. The notice of termination contains alleges that the Tenant paid the rent late 12 times during the 12month period of January 2021 to January 2023.

4. I find the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1<sup>st</sup> day of each month. The rent has been paid late 12 times in the 12-month period covered by the N8.
5. Since the application was filed in April 2023, the Tenant has paid the rent late for the following months: April 2023 to September 2023. The Tenant has paid the rent on time February 2023, October 2023 and November 2023.

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6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

9. 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.
10. The Landlords is seeking an order for eviction based on the late payments of rent. The Landlords has made attempt to discuss the late payments with the Tenant. The Tenant has failed to pay the rent on time.
11. The Tenant would like to preserve their tenancy and avoid eviction. The Tenant is currently employed and was attempting to pay the rent biweekly which led to late payments. The Tenant asserted that she attempted to work out a biweekly payment with the Landlords however they never acknowledged the Tenant's request.
12. The Tenant requested a conditional order to pay the rent on time for a period of 12 months. She testified that she would be homeless if evicted. She would also lose her job as she works from home. Stability is important for her as she lost her job in April 2023 and just secured employment in July 2023. She has strong ties to the community with her son's school and it would be unaffordable for her to secure new housing should she be evicted.
13. I find that it would not be unfair to impose a conditional order instead of issuing an eviction order. The Tenant should be afforded an opportunity to preserve their Tenancy and remain in the rental unit as eviction is the last resort.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the rent for December 1, 2023 on or before December 10, 2023.
3. Starting January 1, 2024 and continuing through December 31, 2024, the Tenant shall pay the monthly rent on or before the first day of each month.
4. If the Tenant fails to comply with the conditions set out in paragraph 2-3 of this order, the Landlords may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlords 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 Tenant shall pay to the Landlords \$186.00 for the cost of filing the application.

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6. If the Tenant does not pay the Landlords the full amount owing on or before December 11, 2023, the Tenant will start to owe interest. This will be simple interest calculated from December 12, 2023 at 7.00% annually on the balance outstanding.

**November 30, 2023**

**Date Issued**

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Camille Clyne

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.

