



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

File Number: LTB-L-092082-25

In the matter of: 809, 18 HOLMES AVE
NORTH YORK ON M2N0E1

Between: Babak Babaee Owlam Landlord

And

Soraya Nkela Pustam Tenant

Babak Babaee Owlam (the 'Landlord') applied for an order to terminate the tenancy and evict Soraya Nkela Pustam (the 'Tenant') because:

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

This application was heard by videoconference on January 7, 2026.

Only the Landlord's representative, Parastoo Naderi, attended the hearing.

As of 9:57 a.m., the Tenant was 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 Tenant's pattern of persistent late payments. Given the circumstances, I find an order requiring prompt payment to be appropriate.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 17, 2025, the Landlord gave the Tenant an N8 Notice deemed served on October 22, 2025. The notice of termination alleges the Tenant paid the rent late 13 months out of the 13 months listed from October 1, 2024, to October 1, 2025.
4. Based on the uncontested evidence of the Landlord, I find the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month.

5. Since the N8 notice was served, the Tenant has not paid rent each and every month for November 1, 2025, to January 1, 2026. I therefore find the Tenant has paid rent late a further 3 times out of 3 months.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord requested a conditional order. 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay to the Landlord the lawful rent in full and on time for each consecutive month it comes due commencing on February 1, 2026, and continuing through to January 1, 2027.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 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 Tenant. 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.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before January 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 31, 2026 at 4.00% annually on the balance outstanding.

January 19, 2026

Date Issued

Vinuri Sivalingam

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.