



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Dean Avenue Residences Inc v SORTINO, 2026 ONLTB 5920

Date: 2026-01-21

File Number: LTB-L-092976-25-SA-RV

In the matter of: 7, 477 DEAN AVE
OSHAWA ON L1H3E4

Between: Dean Avenue Residences Inc Landlord

And

Sabrina Sortino Tenant

Review Order

Dean Avenue Residences Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Sabrina Sortino (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on September 3, 2025 with respect to application LTB-L-050235-25.

The Landlord's application was resolved by order LTB-L-092976-25, issued on November 4, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-092976-25.

The application was resolved by order LTB-L-092976-25 issued on December 9, 2025.

On December 18, 2025 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 18, 2025 interim order LTB-L-092976-25-RV-IN was issued, staying the order issued on December 9, 2025.

This motion was heard by videoconference on January 15, 2026.

The Landlord's agent, Nancy Olympia, and the Tenant attended the hearing.

Determinations:

Request to Review

1. The Tenant signed in to the set aside hearing and spoke with Tenant Duty Counsel but disconnected and could not be contacted by the Landlord to reconnect. The Tenant says this was because she dropped her phone, causing it to break, and she was not at home and did not have access to other technology to connect. Based on the Tenant's attendance at the set aside hearing, I am satisfied that she made good faith efforts to participate in the hearing.
2. The request to review is granted. As a result, order LTB-L-092976-25 issued on December 9, 2025 was cancelled, and a new hearing was held to consider the merits of the original application.

Merits of the Original Application

3. The Tenant failed to meet a condition specified in the order issued by the LTB on September 3, 2025 with respect to application LTB-L-050235-25. Instead of paying \$1,580.88 on November 1, 2025, the Tenant paid \$1,580.80 on November 2, 2025.
4. After considering all of the circumstances pursuant to section 78(11)(b) of the *Residential Tenancies Act, 2006* (the 'Act'), I find that it would not be unfair to set aside order LTB-L-092976-25. The Tenant believed that because November 1, 2025 was on a weekend, she had until Monday to make the payment. While this is incorrect, the payment was made, and all other payments required by the payment plan have been made without incident. The Tenant's actions over the duration of the payment plan show a good faith commitment to meeting the terms of the plan. While the Tenant would be significantly impacted by an eviction, the impact on the Landlord of one payment of eight being received one day late is minimal. However, it is noted that the payments are due on the specified date and not the next business day and the Tenant should not expect leniency in the future now that they have been made aware of the expectation regarding payments due on weekends or holidays.
5. The rent was short paid by 8 cents because a family member sent the transfer, and there was a mistake in the amount. The Tenant sent the additional amount when she was notified, however I note that 8 cents is an inconsequential amount which would not lead to an eviction.

It is ordered that:

1. The request to review order LTB-L-092976-25 issued on December 17, 2025 is granted.

2. Order LTB-L-092976-25 issued on December 17, 2025 is cancelled and replaced by the following:
- a) The motion to set aside Order LTB-L-092976-25, issued on December 9, 2025, is granted.
 - b) Order LTB-L-092976-25, issued on December 9, 2025, is set aside and cannot be enforced.

January 21, 2026
Date Issued

Dawn Carr
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.