



Order under Section 69 Residential Tenancies Act, 2006

Citation: The Effort Trust Company v Ismayl, 2026 ONLTB 9456

Date: 2026-01-30

File Number: LTB-L-103540-25

In the matter of: 201, 300 MOHAWK RD E
HAMILTON ON L9A2J4

Between: The Effort Trust Company Landlord

And

Payman Ismayl Tenant

The Effort Trust Company (the 'Landlord') applied for an order to terminate the tenancy and evict Payman Ismayl (the 'Tenant') because:

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

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 26, 2026.

Only the Landlord's Legal Representative, Abdulrahman Asiri attended the hearing.

As of 10:11 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 grounds for termination of the tenancy in the application. Therefore, an order imposing conditions for the next 12 months shall issue allowing the Tenant to preserve their tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 23, 2025, the Landlord gave the Tenant an N8 notice of termination deemed served on October 28, 2025. The notice of termination alleged that the Tenant persistently paid the rent late from November of 2024 through October 1, 2025 and attached a detailed

ledger confirming this information. The Tenant paid the rent late 6 months of the past year.

4. Mr. Asiri submitted that over the last two months, the Tenant continued to pay the rent late.
5. On the basis of the uncontested evidence before me, I find that the Tenant has persistently failed to pay the rent on the date that it was due.
6. Although the Tenant failed to correct the late payments, eviction should be ordered as a last resort. Based on the fact that during the one year period set out on the N8 notice, the Tenant paid their rent on time 50% of the time, I am choosing to order a conditional order under section 78 of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act")
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

8. 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 the Landlord monthly rent owing on or before the first day of each month commencing March 1, 2026 and continuing thereafter until and including February 28, 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 *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 Board without notice to the Tenant.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application by February 28, 2026.
5. If the Tenant fails to make the payment owing under paragraph 4, and by the date required, the balance owing under paragraph 4 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the *Act*.

January 30, 2026
Date Issued

Carrie Bertrand
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.