



Order under Section 69 Residential Tenancies Act, 2006

Citation: Tobaccowala v Herman, 2026 ONLTB 15123

Date: 2026-02-18

File Number: LTB-L-000035-26

In the matter of: Basement Unit, 10 ADAIR CRT
BRAMPTON ON L6Y0Y3

Between: Shariq Tobaccowala Landlords
Freeha Rizvi

And

Andrea Herman Tenant

Shariq Tobaccowala and Freeha Rizvi (the 'Landlords') applied for an order to terminate the tenancy and evict Andrea Herman (the 'Tenant') because:

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

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

This application was heard by videoconference on February 9, 2026.

The Landlords and the Tenant's friend, Andrea Herman attended the hearing. The Tenant provided a note to the LTB authorizing her friend, Andrea Herman to speak on her behalf as the Tenant was unable to attend the hearing.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, an order imposing conditions for the next 24 months shall issue allowing the Tenant to preserve their tenancy.
2. The Tenants were in possession of the rental unit on the date the application was filed. The monthly rent is \$1,750.00.
3. On November 4, 2025, the Landlords gave the Tenant an N8 notice of termination deemed served on the same date. The notice of termination alleged that the Tenants persistently paid the rent late 10/12 months in 2024 and persistently paid the rent late 10/12 months in 2025.

4. The Landlords advised that an L1 application had been resolved with a conditional order issued on January 21, 2026 being LTB-L-087906-25. This order included a conditional, payment order for the Tenant's outstanding rent and included a pay-on-time order for the period February 1, 2026 to April 1, 2028.

Analysis

5. On the basis of the evidence before me, I find that the Tenant has persistently failed to pay the rent on the date that it was due.
6. Eviction should be ordered as a last resort. Based on the above facts, I am choosing to order a conditional order under section 78 of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act") which will ensure that the Landlords receive their rent in full and on time and the Tenant will be able to preserve her tenancy.
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 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 Landlords and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay the Landlords monthly rent owing (\$1,750.00) on or before the 1st day of each month commencing March 1, 2026 and continuing thereafter until and including April 1, 2028.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlords may apply under section 78 of 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 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*.

February 18, 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.