



Order under Section 78(11) Residential Tenancies Act, 2006

Citation: Hersz Properties Limited V Abdi, 2026 ONLTB 29982

Date: 2026-04-13

File Number: LTB-L-007791-26-SA

In the matter of: 404, 2099 LAWRENCE AVENUE WEST
TORONTO ON M9N1H9

Between: Hersz Properties Limited Landlord

And

Osman Ali Abdi Tenants
Jamal Hassan

Hersz Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Osman Ali Abdi and Jamal Hassan (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on January 9, 2026 with respect to application LTB-L-088500-25.

The Landlord's application was resolved by order LTB-L-007791-26, issued on February 2, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-007791-26.

This motion was heard by videoconference on April 7, 2026.

The Landlord's legal representative, Sean Beard, and the Tenant Osman Abdi attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the order issued by the LTB on January 9, 2026 with respect to application LTB-L-088500-25. The Tenants were required to pay the rent in full and on time (by the first of the month) but paid the rent after the first of the month in February, March, and April 2026. The monthly payments which were due by the 20th of the month were paid late in February and March 2026.

2. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-007791-26. The Tenants incorrectly believed that if a payment due date fell on a weekend or holiday, the payment could be made on the next business day. The arrears owing to the end of April 2026 are \$7,529.98 (See Schedule A for calculations). If the Tenants had followed the payment plan, the arrears balance would be \$8,584.36. Accordingly, the Landlord has not been significantly prejudiced by the breach.
3. The Tenants are advised that payments are due on the date on which they are due (e.g. the 1st or the 20th) and not the next business day. If a payment is due on a weekend or holiday and the Tenants cannot make the payment on the date on which it is due, the Tenants must make arrangements to pay the amount due in advance.
4. The Tenants are advised that they are unlikely to receive further relief from eviction in the event of another breach.

It is ordered that:

1. The motion to set aside Order LTB-L-007791-26, issued on February 2, 2026, is granted.
2. Order LTB-L-007791-26, issued on February 2, 2026, is set aside and cannot be enforced.
3. The previous order issued on January 9, 2026 with respect to LTB-L-088500-25 is amended as follows:
 - a) The Tenants shall pay to the Landlord \$7,529.88 for arrears of rent up to April 30, 2026 and costs.
 - b) The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

On or before the 20 th of each month from April 20, 2026 to June 20, 2027	\$500.00
July 20, 2027	\$29.88

- c) The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period May 1, 2026 to July 1, 2027, or until the arrears are paid in full, whichever date is earliest. As of January 1, 2026, the lawful rent is \$1,561.38.
- d) If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating

the tenancy and evicting the Tenants and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after April 30, 2026.

April 13, 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.

Schedule A - Calculations

Amount payable per order LTB-L-088500-25 dated January 9, 2026	\$10,584.36
New rent due	\$6,245.52
Total payments made by Tenants	-\$9,300.00
New balance owing	\$7,529.88