



Order under Section 69 Residential Tenancies Act, 2006

Citation: Devonshire Properties Inc. v. Jamalzadah-Afshar, 2026 ONLTB 42550

Date: 2026-06-01

File Number: LTB-L-031112-26

In the matter of: 1712, 20 Graydon Hall Dr
North York ON M3A2Z9

Between: Devonshire Properties Inc. Landlord

And

Fardeen Jamalzadah-Afshar Tenants
Farshad Afshar
Mokhammad Afshar

Devonshire Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Fardeen Jamalzadah-Afshar, Farshad Afshar and Mokhammad Afshar (the 'Tenants') because: the Tenants have been persistently late in paying the Tenants' rent.

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

This application was heard by videoconference on May 21, 2026.

Only the Landlord's representative Tanya Dickie attended the hearing.

As of 9:30 a.m., the Tenants were 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. Therefore, the tenancy is terminated.
2. The Tenants were in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

3. On March 13, 2026, the Landlord gave the Tenants an N8 notice of termination deemed served on the same day. The N8 notice has a termination date of May 31, 2026. The notice of termination alleges that the Tenants paid rent late for the following months:
 - (a) April 2025;
 - (b) August 2025;
 - (c) November 2025;
 - (d) January 2026;
 - (e) February 2026; and
 - (f) March 2026.
4. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The rent has been paid late six times in the year period reflected on the N8 notice between April 2025 to March 2026. While the exact dates on which the Tenants ultimately paid rent differ slightly between the Landlord's summary chart and ledger, due to the ledger including NSF charges, I find that by attaching the ledger to the N8 notice the Tenants would have been made aware of which months the Landlord was claiming they paid late. After the notice was served, the Tenants also paid rent late in April 2026 and May 2026.

Daily compensation

5. As of the hearing date, the Tenants do not owe any outstanding rent.
6. Based on the monthly rent, the daily compensation is \$86.17. This amount is calculated as follows: \$2,621.00 x 12, divided by 365 days.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

8. The Landlord's representative sought an order for termination of the tenancy, and they were not aware of any factors which might warrant a delay or denial of an eviction under section 83 of the *Residential Tenancies Act*, 2006 (the 'Act'). I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants were not present to request relief from eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 12, 2026.
2. If the unit is not vacated on or before June 12, 2026, then starting June 13, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 13, 2026.

4. The Tenants shall also pay the Landlord compensation of \$86.17 per day for the use of the unit starting June 1, 2026 until the date the Tenants move out of the unit.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. The total amount the Tenants must pay the Landlord is \$186.00.
7. If the Tenants do not pay the Landlord the full amount owing on or before June 12, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 13, 2026 at 4.00% annually on the balance outstanding.

June 1, 2026
Date Issued

Madeline Ntoukas
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenants expires on December 13, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.