



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

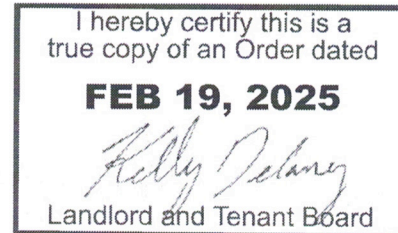
File Number: LTB-L-074496-24-SA

In the matter of: 53 WANITA RD
SCARBOROUGH ON M1C1V3

Between: Philip Villari

And

Leslie Fulton



Landlord

Tenant

Philip Villari (the 'Landlord') applied for an order to terminate the tenancy and evict Leslie Fulton (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 November 14, 2023 with respect to application LTB-L-065902-23-SA.

The Landlord's application was resolved by order LTB-L-074496-24, issued on September 27, 2024. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-074496-24 on October 7, 2024.

This motion was heard by videoconference on February 12, 2025 at 1:00 pm.

The Landlord Representative Teresa Ciccone and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order.

1. The Tenant failed to meet a condition specified in the order issued by the LTB on November 14, 2023 with respect to application LTB-L-065902-23-SA.
2. Specifically, the Tenant testified that they did fail to pay the September 2024 rent on or before September 12, 2024 as determined in order LTB-L-074496-24, issued on September 27, 2024.

The surrounding circumstances

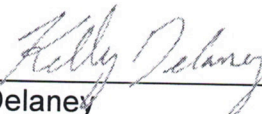
3. The Tenant testified that the breach occurred due to lack of income as they were a seasonal worker. They also testified to having secured work for the foreseeable future and requested to maintain the tenancy as they could pay the outstanding arrears as early as the following week.

4. In response the Landlord Representative submitted there had been no communication from the Tenant regarding their lack of income. They also submitted that the Tenant did not pay the September 2024 rent until October 2, 2024 and failed to make any payments until February 2025, resulting in the arrears of \$3,414.00. Accordingly, the Landlord Representative requested the Tenant's motion be denied.
5. The Tenant did not refute the Landlord's submissions, reiterating their previous submissions and request that if the motion be denied that they be given 4-6 months owing to wait times for assisted housing.
6. In response the Landlord Representative submitted that the delay requested would prejudice the Landlord and requested that the stay be lifted no later than April 1, 2025 owing to the Tenant failing to provide any evidence to support their submissions and the fact that this was the second time the Tenant had filed a set aside motion and the fifth time they had been before the Board since the commencement of the tenancy.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-074496-24.
8. First, the Tenant admitted to the breach and subsequent breaches. Secondly, I cannot overlook the fact that the breaches have now resulted in the accumulation of arrears. Finally, there is the procedural history. The Tenant had been before the Board before for the same issue and was granted a set aside. Accordingly, to do so again, I am satisfied, would prejudice the Landlord.
9. That said, given the above submissions, I am satisfied a brief postponement of the lifting of the stay is warranted to afford the Tenant the opportunity to find a new rental property. The stay of order LTB-L-074496-24 is lifted on March 31, 2025.

It is ordered that:

1. The motion to set aside Order LTB-L-074496-24, issued on September 27, 2024, is denied.
2. The stay of order LTB-L-074496-24 is lifted effective March 31, 2025.
3. Order LTB-L-074496-24 is unchanged.

February 19, 2025
Date Issued



Kelly Delaney
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.