



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

File Number: LTB-L-097992-25-SA

In the matter of: 306, 139 EIGHTH ST
ETOBICOKE ON M8V 3C8

Between: Capreit Limited Partnership Landlord

and

Marcus Williams Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Marcus Williams (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 September 25, 2025 with respect to application LTB-L-054377-25.

The Landlord's application was resolved by order LTB-L-097992-25, issued on November 26, 2025. This order was issued without a hearing being held.

The Tenant made a motion to set aside order LTB-L-097992-25.

The motion was heard by videoconference on December 22, 2025.

The Landlord's legal representative Geoff Paine and the Tenant attended the hearing.

At the hearing, the parties consented to the following order. I was satisfied that the parties understood the consequences of their joint submissions, and specifically the Tenant understood that the tenancy would be terminated on January 15, 2026 if he does not pay all arrears and costs by that date.

Agreed Facts:

1. Arrears of rent and costs owing to the date of the hearing are \$7,852.25.

It is ordered on consent that:

1. The motion to set aside Order LTB-L-097992-25, issued on November 26, 2025, is granted. That order is set aside and cannot be enforced.

2. The previous order issued on September 25, 2025 with respect to LTB-L-054377-25 is amended by deleting paragraphs 1, 2, 3 and 4 and substituting the following.
3. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
4. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$7,852.25 if the payment is made on or before January 15, 2026.
5. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after January 15, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
6. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before January 16, 2026.**
7. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$7,852.25.
8. The Tenant shall also pay the Landlord compensation of \$63.69 per day for the use of the unit starting January 16, 2026 until the date the Tenant moves out of the unit.
9. If the Tenant does not pay the Landlord the full amount owing on or before January 16, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 17, 2026 at 4.00% annually on the balance outstanding.
10. If the unit is not vacated on or before January 16, 2026, then starting January 17, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
11. 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 January 17, 2026.

January 5, 2026
Date Issued

Nersi Makki
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 expires on July 17, 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.