



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

File Number: LTB-L-092161-25-SA

In the matter of: 306, 2 NEWHOLM RD
ETOBICOKE ON M8Y3M4

Between: Gorbay Properties Limited Landlord

And

Ferben Que Tenant

Gorbay Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Ferben Que (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 July 29, 2025 with respect to application LTB-L-044294-25.

The Landlord's application was resolved by order LTB-L-092161-25, issued on November 10, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-092161-25.

This motion was heard by videoconference on December 15, 2025.

The Landlord, Christopher Cardy, the Tenant and the Tenant's Legal Representative, Takin Nateghi, attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenant failed to meet a condition specified in the order issued by the LTB on July 29, 2025 with respect to application LTB-L-044294-25.
2. Specifically, the Tenant failed to their November 1, 2025 rent on time, instead paying it on November 3, 2025.

The surrounding circumstances

3. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-092161-25.

4. The Tenant explained that they paid their rent late due to November 1, 2025 falling on a weekend and indicated that her paycheck had not cleared the bank as of November 1, 2025.
5. The Tenant's Legal Representative indicated that she had had discussions with the Tenant and that the Tenant now understood the requirement to strictly follow the mediated agreement and would do so going forward.

It is ordered that:

1. The motion to set aside Order LTB-L-092161-25, issued on November 10, 2025, is granted.
2. Order LTB-L-092161-25, issued on November 10, 2025, is set aside and cannot be enforced.

January 12, 2026
Date Issued

Curtis Smith
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.