



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

Citation: Frazer v Smith, 2026 ONLTB 4522

Date: 2026-01-13

File Number: LTB-L-092453-25-SA

In the matter of: 23 STEAMBOAT WAY
WHITBY ON L1N0M6

Between: Darrell Frazer Landlord
Letitia Frazer

And

Chelsea-Ann Smith Tenants

Darrell Frazer and Letitia Frazer (the 'Landlord') applied for an order to terminate the tenancy and evict Chelsea-Ann Smith (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 October 31, 2025 with respect to application LTB-L-069470-25.

The Landlord's application was resolved by order LTB-L-092453-25, issued on October 31, 2025. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-092453-25.

This motion was heard by videoconference on December 17, 2025.

The Landlord and the Tenants attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenants failed to meet a condition specified in the order issued by the LTB on October 31, 2025 with respect to application LTB-L-069470-25. The Tenants were supposed to make arrears payments on November 15 and December 15, 2025 and pay regular rent on November 1 and December 1, 2025. None of these payments were made.

The surrounding circumstances

2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-092453-25.
3. The Tenants say they fell into arrears because of a temporary reduction in work hours and corresponding income, however they returned to their previous hours starting November 24, 2025. They request a new payment plan to preserve the tenancy. A summary budget analysis conducted in the hearing shows that the requested payment plan is not viable and cannot be approved.

The stay is lifted immediately.

4. The stay of order LTB-L-092453-25 is lifted immediately. At the hearing I advised the parties the stay would be lifted on January 5, 2026 to provide the Tenants a few weeks to prepare to move in consideration of their family circumstances. As that date has now passed, no further delay is warranted.

It is ordered that:

1. The motion to set aside Order LTB-L-092453-25, issued on October 31, 2025, is denied.
2. The stay of order LTB-L-092453-25 is lifted immediately.
3. Order LTB-L-092453-25 is unchanged.

January 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.