



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

File Number: LTB-L-101753-25-SA

In the matter of: APT. #3, 1264 WESTON RD
YORK ON M6M4R1

Between: Gain Yee Landlord

And

Denise Bogle Tenant

Gain Yee (the 'Landlord') applied for an order to terminate the tenancy and evict Denise Bogle (the 'Tenant') because the Tenant did not meet a condition specified in the mediated settlement signed by the parties on August 11, 2025 with respect to application LTB-L-023402-25.

The Landlord's application was resolved by order LTB-L-101753-25, issued on December 8, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-101753-25.

This motion was heard by videoconference on January 13, 2026. The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant was ordered to pay rent in full and on time from September 2025 through August 2026.
2. the Tenant has made the rent payments on time for four of the five months. December rent was paid on December 6th.
3. The Tenant testified that when she transitioned from disability payments to going back to work, her pay was delayed as the cheque required time to clear.
4. the Landlord argues that the Tenant provided no evidence to support her testimony,
5. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-101753-25.

It is ordered that:

1. The motion to set aside Order LTB-L-101753-25, issued on December 8, 2025, is granted.
2. Order LTB-L-101753-25, issued on December 8, 2025, is set aside and cannot be enforced.

January 20, 2026

Date Issued

Greg Joy

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.