



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

File Number: LTB-L-097543-25-SA

In the matter of: 811, 125 WELLINGTON ST N
HAMILTON ON L8R3J4

Between: Equiton Residential Income Fund LP Landlord

And

Assaf Dossegnaw Tenant

Equiton Residential Income Fund LP (the 'Landlord') applied for an order to terminate the tenancy and evict Assaf Dossegnaw (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 mediated settlement signed by the parties on October 16, 2025 with respect to application LTB-L-059838-25.

The Landlord's application was resolved by order LTB-L-097543-25, issued on November 24, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-097543-25.

This motion was heard by videoconference on January 6, 2026.

The Landlord's Agent Laveena Sansal and the Tenant Assaf Dossegnaw attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenant failed to meet a condition specified in the mediated settlement signed by the parties on October 16, 2025, with respect to application LTB-L-059838-25. This breach was not disputed by the Tenant at the hearing.

The surrounding circumstances

2. At the hearing, the Tenant sought to set aside order LTB-L-097543-25 on the basis of personal hardship and a change in circumstances. The Tenant submitted that they have unstable income, that their mother, who resides with them in the rental unit, is undergoing cancer treatment, and that they recently lost access to their vehicle, which affected their ability to work as a driver.

3. I find that these circumstances were either known or reasonably foreseeable at the time the mediated settlement was entered into, or they arose shortly thereafter. In any event, the Tenant did not provide evidence demonstrating that their financial circumstances have materially improved since the breach or that they are now able to meet the payment obligations under the settlement or any new conditions that could reasonably be imposed.
4. The evidence before the Board establishes that the Tenant made only one payment following the mediated settlement, on October 31, 2025, and has made no further payments since that date. As of the hearing, the Tenant acknowledged that they are unemployed and could not identify a reliable source of income or a concrete plan to pay the outstanding arrears or resume paying rent in full and on time.
5. I also considered the Landlord's evidence regarding the history of non-payment and repeated applications relating to this tenancy. In my view, the ongoing pattern of non-compliance and the lack of a realistic repayment plan weigh heavily against granting the relief requested.
6. After considering all of the circumstances, including the undisputed breach of the mediated settlement, the limited payments made since that time, the absence of evidence demonstrating an ability to comply with future obligations, and the prejudice to the Landlord, I find that it would be unfair to set aside order LTB-L-097543-25.

The stay is lifted on January 31, 2026

7. With respect to the timing of lifting the stay, I considered the Tenant's request for additional time to make arrangements to vacate the rental unit and the Landlord's position on that request.
8. The Tenant requested approximately one month to move out of the rental unit with their mother and belongings. The Landlord agreed that the stay could be lifted on January 31, 2026, which would allow the last month's rent deposit to be applied to rent for January 2026.
9. In the circumstances, I find that lifting the stay on January 31, 2026, reasonably balances the Tenant's need for a limited period to make arrangements with the Landlord's right to enforce the order following ongoing non-compliance.

It is ordered that:

1. The motion to set aside Order LTB-L-097543-25, issued on November 24, 2025, is denied.
2. The stay of order LTB-L-097543-25 is lifted on January 31, 2026.

3. Order LTB-L-097543-25 is unchanged.

January 20, 2026
Date Issued

Kyle Anderson
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.