



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

File Number: LTB-L-095366-25-SA

In the matter of: F, 387 EAST 42ND ST
HAMILTON ON L8T3A8

Between: DRAKE PROPERTY MANAGEMENT Landlord

And

LEAH LEWIS Tenants
EDWARD ERIC TIMMINS
EDWARD MATTHEW ARNOLD

DRAKE PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict LEAH LEWIS, EDWARD ERIC TIMMINS and EDWARD MATTHEW ARNOLD (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 27, 2025 with respect to application LTB-L-060402-25.

The Landlord's application was resolved by order LTB-L-095366-25, issued on November 18, 2025. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-095366-25.

This motion was heard by videoconference on January 20, 2026. The Landlord's representative David Ciobotaru, and the Tenants, attended the hearing.

Determinations:

1. The Tenants owed the Landlord \$8,378.75 in arrears and costs to the end of October 2025. The Tenants agreed to pay the Landlord rent plus \$500.00 on or before the 1st day of each consecutive month, from December 2025 until the amount the Tenants owed was paid in full.
2. The amount the Tenants owe the Landlord has increased to \$11,600.93. The lawful monthly rent is \$2,145.64.
3. The Tenants testified that Eric Timmins lost his job on November 11, 2025 and the delay in Employment Insurance benefits caused the missed payments. The Tenants also testified that they can pay January rent plus \$500.00 but cannot pay rent for February until later in the month.

4. Mr. Timmins receives \$1,240.00 every two weeks from E.I. and Ms. Lewis works part time as a custodian. The Tenants also testified that Mr. Timmins is waiting for a pension payment. There was no evidence to support this testimony.
5. The Tenants income is a little more than the rent and the Tenants cannot pay rent on time. The amount the Tenants owe the Landlord in the past two months has increased by more than \$3,000.00 and there are insufficient funds to make arrears payments.
6. The Tenants cannot afford another repayment plan that would require them to pay rent on time as well as making payments toward the arrears.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-095366-25.

It is ordered that:

1. The motion to set aside Order LTB-L-095366-25, issued on November 18, 2025, is denied.
2. The stay of order LTB-L-095366-25 is lifted immediately.
3. Order LTB-L-095366-25 is unchanged.

January 28, 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.

