



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

File Number: LTB-L-104640-25-SA

In the matter of: 201, 70 SPADINA RD
TORONTO ON M5R2T6

Between: AMSTAR POOL I LP Landlord

And

SUTHARSHAN VIVEKANANTHAN Tenant

AMSTAR POOL I LP (the 'Landlord') applied for an order to terminate the tenancy and evict SUTHARSHAN VIVEKANANTHAN (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 September 3, 2025 with respect to application LTB-L-028676-25.

The Landlord's application was resolved by order LTB-L-104640-25, issued on January 6, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-104640-25.

This motion was heard by videoconference on January 20, 2026. The Landlord's representative Sylwia McArthur, and the Tenant, attended the hearing.

Determinations:

1. The Board granted relief from eviction on the condition the Tenant \$7,132.50 by making monthly payments of \$713.25 on or before the 16th day of each month from September 2025 through July 2026.
2. The lawful monthly rent is \$1,682.39. The amount the Tenant owes the Landlord has increased to \$8,313.89. The last payment the Tenant made to the Landlord was a \$715.00 payment on November 16th.
3. The Tenant was making payments, although not in full and on time, until November 16th. The Tenant has not paid December or January rent.
4. At the hearing in July, the Tenant testified that he had cancer surgery. At this hearing the Tenant again testified that he had cancer surgery in November. There was no evidence from the Tenant to support this testimony, and the Landlord's representative notes that there was also no evidence at the hearing in July that supported the Tenant's testimony.

5. The Tenant also testified that he went back to work last week. The Tenant's monthly net income is approximately \$3,000.00. The Tenant requested another repayment plan over a 24-month period.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-104640-25.
7. Although the Tenant did not provide supporting evidence of the surgery, the Tenant had demonstrated a willingness to make the required payments and has lived in the rental unit for ten years.
8. I find a repayment plan for a 12-month period to be fair.

It is ordered that:

1. The motion to set aside Order LTB-L-104640-25, issued on January 6, 2026, is granted.
2. Order LTB-L-104640-25, issued on January 6, 2026, is set aside and cannot be enforced.
3. Order LTB-L-028676-25 is cancelled and replaced with the following:
4. The Tenant shall pay to the Landlord \$8,313.89 as follows:
 - The Tenant shall pay to the Landlord \$700.00 on or before the 15th day of each consecutive month commencing February 2026 and continuing through December 2026.
 - The Tenant shall pay to the Landlord \$612.89 on or before January 15, 2027.
5. The Tenant shall also pay to the Landlord the lawful rent in full and on time for each consecutive month commencing February 2026 and continuing through January 2027, or until the arrears and costs are paid in full.
6. In the event the Tenant fails to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenant, for an Order terminating the tenancy and evicting the Tenant and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

January 23, 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.