



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

File Number: LTB-L-097728-25-SA

In the matter of: 412 WRIGHT CRES
NIAGARA ON THE LAKE ON L0S1J0

Between: Lon Tanh Landlord

And

Sanjay Gokal Tenant

Lon Tanh (the 'Landlord') applied for an order to terminate the tenancy and evict Sanjay Gokal (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 October 22, 2025 with respect to application LTB-L-068335-25.

The Landlord's application was resolved by order LTB-L-097728-25, issued on November 25, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-097728-25.

This motion was heard by videoconference on January 5, 2026. The Landlord, the Landlord's legal representative, Joseph Behar, the Tenant and the Tenant's support person and interpreter, Phan Doerr, attended the hearing.

Determinations:

1. The Tenant admittedly failed to meet a condition specified in the order issued by the LTB on October 22, 2025 with respect to application LTB-L-068335-25.
2. The Tenant agrees that they failed to make the very first payment of rent of \$4,000.00 on or by November 15, 2025 for November's rent.
3. The Tenant also admits that they have not made any of the required payments to the Landlord despite their agreement to do so on October 20, 2025 on consent.
4. As of November 14, 2025 the rent arrears were \$28,000.00. As of the hearing date, the rent arrears are now \$36,000.00 for the period ending January 14, 2026 and climbing.
5. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-097728-25 and therefore the Tenant's motion to set-aside the eviction order is denied.

6. The Tenant stated that their other roommate left the unit early on in the lease after the Landlord served an N12 Notice of termination because it meant that their spouse could not come to Canada. The Tenant further explained that they do not have any income and are waiting on the finalization of their house sale back in India before making any payments to the Landlord. They anticipate this will be done in approximately 90 days from the hearing date. The Tenant then requested to be given until either May or June to find alternative housing if they are unable to pay.
7. The Landlord was opposed to granting any additional time given that the Tenant had such high rent arrears with no proof that they would make any payments to them. Additionally, the Landlord submits that they have already been prejudiced by the delay after the Tenant had consented to make their payments as promised and then failed to make a single payment.
8. I agree with the Landlord that it would be highly prejudicial to provide the Tenant with a stay of the eviction order until May or June. At that point the Tenant would owe the Landlord more than the \$50,000.00 monetary jurisdiction of the Board and the Tenant provided no documentary proof that they can pay the Landlord anything.
9. While I accept that the Tenant has had financial struggles maintaining their tenancy due to their refugee status, I do not find it fair to grant the Tenant an additional payment plan or discretionary relief because I have no confidence that the Tenant will make any payments to the Landlord.
10. It is not unreasonable for the Landlord to expect that their consent agreement be upheld, pending some unforeseen exigent circumstances. I agree that that is not the case here.
11. The Tenant was already aware of their circumstances of their roommate leaving prior to entering into the consent order with the Landlord. In fact, they consented to remove them as part of their order on October 20, 2025.
12. At the hearing the parties were advised that I would give the Tenant additional time to find alternative housing and would lift the stay of the eviction order on January 31, 2025.

It is ordered that:

1. The motion to set aside Order LTB-L-097728-25, issued on November 25, 2025, is denied and the order is unchanged.
2. The stay of order LTB-L-097728-25 is lifted January 31, 2026.

January 29, 2026

Date Issued

Terri van Huisstede

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.