



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

File Number: LTB-L-098650-25-SA

In the matter of: 101, 256 DIVISION ST
COBOURG ON K9A3R1

Between: TVM DIVISION ST INC Landlord

And

NATASHA MORRISON Tenant

TVM DIVISION ST INC (the 'Landlord') applied for an order to terminate the tenancy and evict NATASHA MORRISON (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 26, 2025 with respect to application LTB-L-060530-25.

The Landlord's application was resolved by order LTB-L-098650-25, issued on November 28, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-098650-25.

This motion was heard by videoconference on January 19, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant's motion to set aside the eviction order was brought pursuant to subsection 78(11) of the Residential Tenancies Act, 2006 (the "Act")
2. The Board must first determine whether or not the Tenant breached order LTB-L-060530-25 issued on September 26, 2025 (the "Section 78 Order").
3. The Section 78 Order provided that the Landlord could apply to the Board under section 78 of the Act without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain conditions specified in the order.
4. If the Board finds that the Tenant did breach the Section 78 Order, then the Board must decide whether or not "in all the circumstances" it would be "unfair to set aside" the eviction order. If the Board determines that it would not be unfair to set aside the eviction order then

the Board is supposed to grant the motion and set aside the order. If the Board determines that it would be unfair to set aside the eviction order then the motion must be denied.

5. As of the date of the hearing, the Tenant acknowledged being in rent arrears in the total amount of \$588.33. While the Tenant has been making regular, monthly payments to the Landlord, the Tenant's payments have been applied to prior months' arrears. As such, I find the Tenant breached the Section 78 by failing to pay the monthly rent for November 2025 on or before November 1, 2025. The total amount of rent owed for January 2026 is thus currently \$588.33.
6. The next issue is whether or not "in all the circumstances" it would be "unfair to set aside" the eviction order. The Tenant did not attend the initial merits hearing of September 22, 2025 and genuinely believed payments were being made on time and was unaware that the Landlord was applying rent payments to prior arrears owing. The Tenant wishes to remain at the rental unit, noting she has 3 children and is in receipt of social assistance.
7. The Tenant is a long-term tenant, seeks to pay back any arrears and I accept the Tenant's evidence that the breach of the Section 78 order was caused inadvertently. In all these circumstances, I find it would not be unfair to set aside the order as requested by the Tenant.

It is ordered that:

1. The motion to set aside Order LTB-L-098650-25, issued on November 28, 2025, is granted.
2. Order LTB-L-098650-25, issued on November 28, 2025, is set aside and cannot be enforced.
3. The previous order issued on September 26, 2025 with respect to LTB-L-060530-25 is cancelled and replaced with the following terms:
4. The Tenant shall pay to the Landlord the \$588.33 balance owing from January 2026 rent as follows:
 - (i) The Tenant will make a payment of \$250.00 on or before February 15, 2026;
 - (ii) The Tenant will make a payment of \$338.33 on or before March 15, 2026;
5. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period February 1, 2026 to January 1, 2027, or until the arrears are paid in full, whichever date is earliest.

6. Section 78 of the *Residential Tenancies Act, 2006* applies to paragraphs 4 to 5 of this order. If the Tenant fails to make any payment as required under paragraphs 4 to 5 of this order, the Landlord may, without notice to the Tenant, apply to the Board for an order terminating the tenancy and evicting the Tenant. The Landlord must make this application no later than 30 days after the Tenant's breach.

January 30, 2026
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.