



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

File Number: LTB-L-084802-25-SA

In the matter of: 204, 115 PLAINS RD E
Burlington, Ontario ON L7T2C2

Between: Mike Bozinowski Landlord

And

James Carr Tenant

Mike Bozinowski (the 'Landlord') applied for an order to terminate the tenancy and evict James Carr (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 18, 2025 with respect to application ltb-l-055417-25.

The Landlord's application was resolved by order LTB-L-084802-25, issued on October 21, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-084802-25.

This motion was heard by videoconference on December 15, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant failed to meet a condition specified in the order issued by the LTB on September 18, 2025 with respect to application LTB-L-055417-25. It was undisputed that the Tenant breached the order and failed to make payments they were required to make. The Tenant did not pay monthly rent on or before October 1, 2025 as they were required to do under the previous order.
2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-084802-25.
3. The Tenant indicated that they did not receive the September 18, 2025 order, and that they were not aware of the payment conditions therein. The Tenant could not explain why they did not make their normal monthly rent payments on the date they due, an agreement that clearly preceded the September 18, 2025 order.

4. As of the date of the hearing, the Tenant had not paid their rent for the months of October-December 2025. The Tenant indicated that they could be able to start paying the Landlord again in January 2026.
5. I have no confidence that the Tenant will comply with any order I make. The Tenant immediately breached the September 18, 2025 order by not paying their normal monthly rent. I do not accept that the Tenant's alleged lack of receipt of the September 18, 2025 order in any way contributed to their breach and note that the Landlord provided evidence of text messages exchanged on September 25, 2025, where the Tenant promised payment of the October 2025 rent.

The stay is lifted on February 13, 2026

6. The stay of order LTB-L-084802-25 is lifted on February 13, 2026. The Tenant did not provide any reason to extend a stay at all and indicated that they owned a home that was currently vacant and for sale.

It is ordered that:

1. The motion to set aside Order LTB-L-084802-25, issued on October 21, 2025, is denied.
2. The stay of order LTB-L-084802-25 is lifted on February 13, 2026

February 9, 2026

Date Issued

Curtis Smith

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.