



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

File Number: LTB-L-107610-25-SA

In the matter of: 4, 174 BORLAND ST E
ORILLIA ON L3V2C3

Between: 2437130 Ontario Inc.

Landlord

And

William Brian Barnes
Amy Louise Tomassetti

Tenants

2437130 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict William Brian Barnes and Amy Louise Tomassetti (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 November 15, 2025 with respect to application LTB-L-068249-25.

The Landlord's application was resolved by order LTB-L-107610-25, issued on January 8, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-107610-25.

This motion was heard by videoconference on February 2, 2026.

The Landlord's Legal Representative, J. Henderson, the Landlord's Agent, Katty To, and one of the Tenants, Amy Tomassetti (AT), attended the hearing.

Determinations:

There was a breach of the previous order

1. There was no dispute that Tenants failed to meet a condition specified in the order issued by the LTB on November 14, 2025 with respect to application LTB-L-068249-25. The Tenants did not pay the balance of November 2025's rent (\$750.00) plus the lawful rent for December 2025 (\$1,750.00) and \$200.00 towards the rent arrears owing on or before December 20, 2025. The Tenants only paid \$1,000.00 on or before December 20, 2025 which was received directly from Ontario Works (OW).

The surrounding circumstances

2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-107610-25.
3. AT stated that she attended the last hearing in October 2025 and had expected an issue with Canada Revenue Agency (CRA) regarding her Child Care Benefit (CCB) would be resolved by end of November 2025 which would allow her to meet the payment terms in the order. However, she stated that the issue with CRA is on-going and she has not received any CCB for the last six months. As a result, the Tenant's income has solely been from OW which is \$1,257.00 per month. The Tenant is hopeful that her issues with CRA will be resolved soon and that she will receive retroactive payments of CCB.
4. The Tenant stated that she has three children, two of whom live with her in the rental unit and have special needs, ages 19 and 12 years old. She also stated that she separated with a partner in November 2025 which resulted in a decrease in OW benefits. She requested that the payment plan previously negotiated be extended to commence next month or that she be given additional time to find suitable housing for her children and herself.
5. The Landlord's Legal Representative submitted that this tenancy is not viable given the Tenants' current stated monthly income as it is insufficient to even cover the monthly rent of \$1,750.00. She also submitted that the rent arrears have increased since the Tenants have not paid the full monthly rent each month and made no payments towards the previous rent arrears owing. She further submitted that the Landlord is responsible for mortgage, utilities and taxes for the property which is difficult given the accumulation of rent arrears owing.
6. This tenancy is just over one year in length and the rent arrears account for almost six months of rent. The current stated income of the Tenants is not sufficient to cover the monthly rent, and the rent arrears have significantly increased since the last hearing date. In these circumstances, it would be unfair to extend the payment plan or set aside this order.

The stay is lifted on March 15, 2026

7. The stay of order LTB-L-107610-25 is lifted on March 15, 2026. AT stated that at present she has no place to go with her children and that a shelter would not permit her adult son to stay with her, although he is autistic. She requested some additional time to find another unit. The Landlord is holding a last month's rent deposit. Therefore, I find that it would not be unfair to delay the lifting of the stay to March 15, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-107610-25, issued on January 8, 2026, is denied.
2. The stay of order LTB-L-107610-25 is lifted on March 15, 2026.

3. Order LTB-L-107610-25 is unchanged.

February 6, 2026

Date Issued

Lisa Del Vecchio

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.