



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

File Number: LTB-L-105544-25-SA

In the matter of: 601, 55 SOUTH TOWN CENTRE BLVD
MARKHAM ON L6G0B1

Between: YIU WAI YUEN Landlords
MIU FONG TAM

And

MOHAMED ABDELSAMIE Tenant

YIU WAI YUEN and MIU FONG TAM (the 'Landlords') applied for an order to terminate the tenancy and evict MOHAMED ABDELSAMIE (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 mediated settlement signed by the parties on November 3, 2025 with respect to application LTB-L-070431-25.

The Landlords' application was resolved by order LTB-L-105544-25, 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-105544-25.

This motion was heard by videoconference on February 3, 2026.

The Landlord, Yiu Wai Yuen, the Landlords' legal representative, Paul Chu, the Tenant and the Tenant's legal representative, Ying Ngai Yu, attended the hearing.

Determinations:

1. The Tenant does not dispute that they failed to meet a condition specified in the consent agreement issued on November 3, 2025 with respect to application LTB-L-070431-25.
2. More specifically, the Tenant agrees that they did not pay the lawful monthly rent on or by December 7, 2025 as required. They also did not pay the \$400.00 in arrears due the same date.
3. In fact, the last payment made by the Tenant to the Landlords was the payment of rent and arrears due on November 7, 2025. They have not made any payments since and do not have a concrete date in which they can provide payments to the Landlords.

4. The Tenant explained that they are currently tied up with the Family Responsibility Office (FRO) regarding unpaid spousal support and that they are still in the process of reaching an amicable solution to that matter for their ex to pay \$3,000.00 a month on an ongoing basis. Otherwise, the Tenant submits that FRO has told them they will start to garnish the Tenant's ex's wages starting March 1, 2026 and plan to garnish upwards of \$3,600.00 per month. The Tenant is unsure about how much or on which dates they will receive payments in order to propose a satisfactory method in which to pay the rent, let alone any rent arrears to the Landlords which are still mounting.
5. The Landlord submits that they have their own financial issues on the basis that they recently had to pay for funeral costs which exceeded \$12,000.00 and they have also taken leave from work to care for their own spouse due to a recent cancer diagnosis and currently do not have an income.
6. The Tenant is also the sole care provider for their daughter who has several long-term illnesses that require ongoing medical treatment, and their specialists are within close proximity to the rental unit in which they have resided upwards of 11-years.
7. Considering there is no foundation in which to consider an ongoing payment to the Landlord regarding the rent and arrears because of the Tenant's uncertain financial circumstances and considering the Landlord's current financial circumstances and the ongoing prejudice of not receiving any rent payments, I find that it would be unfair to the Landlords to grant any further relief from eviction.
8. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-105544-25. However, given the length of the tenancy and the Tenant's circumstances surrounding their own health and that of their daughters, I find that giving until March 31, 2026 before lifting the stay of the order is appropriate.

It is ordered that:

1. The motion to set aside Order LTB-L-105544-25, issued on January 6, 2026, is denied.
2. The stay of order LTB-L-105544-25 is lifted March 31, 2026.
3. Order LTB-L-105544-25 is amended to correct a clerical mistake regarding the day the rent that was due as being the 7th day of the month, rather than the 1st day of the month, otherwise the order remains unchanged.

February 10, 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.