



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

File Number: LTB-L-000918-26-SA

In the matter of: 908, 274 ERB ST W
WATERLOO ON N2L1W2

Between: Maple Hill Creek Apts Inc. Landlord

And

Ahmad Achakzai Tenant

Maple Hill Creek Apts Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Ahmad Achakzai (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 November 24, 2025 with respect to application LTB-L-075592-25.

The Landlord's application was resolved by order LTB-L-000918-26, issued on January 12, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-000918-26.

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

The Landlord's Legal Representative S. Mungal, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet a condition specified in the order issued by the LTB on November 24, 2025 with respect to application LTB-L-075592-25. There was no dispute that the Tenant failed to pay \$2,898.72 on or before December 31, 2025.

The surrounding circumstances

2. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-000918-26.
3. The Tenant stated that he did make payments in December 2025 but they fell short of the full amount to be paid. He stated that he had found a full time job plowing snow but it was

dependant on the conditions, so sometimes he worked a lot of hours and at other times less hours. He stated that he has lived in the rental unit for four years and has now paid up all rent arrears and the current rent to the end of February 2026.

4. The Landlord's Legal Representative confirmed that the rent arrears and rent for February have been paid in full however the Tenant did breach the conditions of the prior order and it is clear that his work is seasonal. She submitted that the Tenant had been in rent arrears since May 2025.
5. The *Residential Tenancies Act, 2006* (the 'Act') is predicated on a remedial nature. The Tenant although he breached the terms of the prior order has since paid all rent arrears and the current rent. At present, there is no rent owing to the Landlord. The Landlord's originating application was for non-payment of rent. In these circumstances, I find that it would not be unfair to set aside the eviction order.

It is ordered that:

1. The motion to set aside Order LTB-L-000918-26, issued on January 12, 2026, is granted.
2. Order LTB-L-000918-26, issued on January 12, 2026, is set aside and cannot be enforced.

February 12, 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.