



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

Citation: Forsyth v Moxam, 2026 ONLTB 13258

Date: 2026-02-13

File Number: LTB-L-001989-26-SA

In the matter of: 67 ST CATHARINE ST
ST THOMAS ON N5P2V9

Between: Jonathan Brett Forsyth

Landlord

And

Kirk Moxam

Tenant

Jonathan Brett Forsyth (the 'Landlord') applied for an order to terminate the tenancy and evict Kirk Moxam (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 October 6, 2025 with respect to application LTB-L-061822-25.

The Landlord's application was resolved by order LTB-L-001989-26, issued on January 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-001989-26.

This motion was heard by videoconference on February 4, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant admitted that he did not pay the full rent (i.e. \$2,800.00) that was due on January 1, 2026. Instead he paid \$2,400.00 on January 1, 2026 with the remaining \$400.00 being paid on January 12, 2026.
2. As such, I am satisfied that the Tenant failed to meet a condition specified in the order issued by the LTB on October 6, 2025 with respect to application LTB-L-061822-25, namely to pay rent in full on the day it is due.

The surrounding circumstances

3. For the following reasons, I find that it would not be unfair to set aside order LTB-L-001989-26.
4. The Tenant explained that he initially fell into rent arrears after his partner became ill and their household was reduced to one income. His partner has since recovered and now is working again. As such, the Tenant is confident there will be no further breaches with the payment order.
5. The Landlord confirmed that the Tenant's rent payment of the arrears set out in order LTB-L-061822-25 are in good standing. He did not dispute that the Tenant rectified the breach by paying the remaining \$400.00 owed for rent for January on January 12, 2026. He was willing for the original payment plan to continue.

It is ordered that:

1. The motion to set aside Order LTB-L-001989-26, issued on January 13, 2026, is granted.
2. Order LTB-L-001989-26, issued on January 13, 2026, is set aside and cannot be enforced.
3. The previous order issued on October 6, 2025 with respect to LTB-L-061822-25 is unchanged.

February 13, 2026
Date Issued

Karen Gonçalves
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.