



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

File Number: LTB-L-103937-25-SA

In the matter of: 301, 43 Athlone
Chatham Kent ON N0P2L0

Between: 1888984 Ontario Inc. Landlord

And

Nicole Zimmer Tenant

1888984 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Zimmer (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 20, 2025 with respect to application LTB-L-066573-25.

The Landlord's application was resolved by order LTB-L-103937-25, issued on December 11, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-103937-25.

This motion was heard by videoconference on February 5, 2026. The Landlord's representative Jason Dudley, and the Tenant, attended the hearing. Also in attendance was Barb Edwards, the Landlord's Property Manager.

Determinations:

1. At a hearing to be held on November 20, 2025, the parties participated in a private settlement discussion. The parties requested that a Board Dispute Resolution Officer finalize the terms of and issues for an order on consent.
2. The Tenant agreed to remove all excessive items in the unit on or before November 30, 2025.
3. The Landlord submitted photographs taken on December 1, 2025 showing the excess items in the unit.
4. On January 28, 2026, the Landlord submitted additional photographs of the rental unit taken on January 20th demonstrating that the Tenant has not complied with the conditions of the order. Ms. Edwards who took the photographs, testified that there has been little improvement in the amount or excess items that remain in the rental unit.

5. The Tenant testified that the person who was to take the items had been hospitalized which caused a delay in removing the items. The Tenant also testified that the excess items had been removed.
6. The Tenant, who was participating by Zoom, was asked to turn on her camera and show the condition of the unit. The Tenant testified that she did not know how to turn on the camera.
7. Ms. Edwards, who is located in the same residential complex as the Tenant, was asked to go to the Tenant's unit and confirm if the Tenant has complied with the requirement to remove excess items. Ms. Edwards went to the Tenant's unit and waited approximately twenty minutes to be let in while the Tenant was moving her dogs into the bedroom.
8. Ms. Edwards was asked to assist the Tenant to turn on the camera. When the camera was activated, Ms. Edwards showed the condition of the rental unit. The images demonstrate that little, if any, progress has been made to remove excess items from the unit. It appears that many of the items that were to be removed had been moved to the dining room area of the unit.
9. After considering all of the circumstances, including the fact it has been more than two months since the Tenant was ordered to comply as a condition of relief from eviction, and the fact that the Tenant testified that the excess items had been removed, I find it unlikely the Tenant will comply with the conditions set out for relief from eviction and that it would be unfair to set aside order LTB-L-103937-25.
10. I find it fair to delay lifting the stay until April 30, 2026 to provide the Tenant additional time to find alternative accommodations.

It is ordered that:

1. The motion to set aside Order LTB-L-103937-25, issued on December 11, 2025, is denied.
2. The stay of order LTB-L-103937-25 is lifted April 30, 2026.
3. Order LTB-L-103937-25 is unchanged.

February 12, 2026

Date Issued

Greg Joy

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.