



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

File Number: LTB-L-000471-26-SA

In the matter of: 3805 Periwinkle Crescent
Mississauga ON L5N6W8

Between: Xiaopin Jin Landlord

And

Kenneth Claud Morris Tenants
Karla Natalee Waite

Xiaopin Jin (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Claud Morris and Karla Natalee Waite (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 January 15, 2025, with respect to application LTB-L-077715-24.

The Landlord's application was resolved by order LTB-L-000471-26, issued on January 12, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-000471-26.

This motion was heard by videoconference on February 10, 2026. The Landlord and the Tenants attended the hearing.

Determinations:

1. The Landlord filed an L1 application for non-payment of rent which was resolved by an order on consent through Board facilitated mediation. The order formalizing the terms of the consent (LTB-L-077715-24) was issued on January 15, 2025.
2. The order provided that the Landlord could apply to the Board under section 78 of the Act without notice to the Tenants to terminate the tenancy and evict the Tenants if they failed to make the arrears payments specified in the consent order.

The Breach of the Order

3. There is no dispute that the Tenants breached order LTB-L-077715-24 issued January 15, 2025.

4. The Tenants did not pay the required payment of \$222.25 towards the arrears on or before December 31, 2025.

The Tenants' Motion

5. This motion is brought pursuant to subsection 78(11) of the Act. As I am satisfied that the Tenants breached the order issued on April 14, 2022, the only issue before me is whether I am "satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order".
6. The circumstances here are that the Tenants received their paycheque they were relying on to make the arrears payment after the payment due date. The Tenants made the required payment on January 3, 2026.
7. The Tenants live in the rental unit with their 3 young children. The children are 11,3, and 1 years old. The Tenants oldest child is presently being assessed to determine if they are on the autism spectrum. This child is in special school programming.
8. The Landlord testified that the rental unit is in the basement of her home and that she has been trying to accommodate the Tenants with respect to their late rent payments in the past. The Landlord stated she is no longer willing to continue to accept the Tenants' unwillingness and/or inability to pay their rent on time.
9. After considering all of the circumstances, I find that it would not be unfair to set aside the eviction order. Although the Tenants did breach the agreement and ought to have budgeted appropriately, the payment of \$222.25 that was due on December 31, 2025, and subsequently paid on January 3, 2026, was the final amount needed to fully satisfy the arrears and costs under the payment plan in order LTB-L-077715-24.
10. Since the Tenant has paid all the rent that was in arrears and all additional rent that would have been due under the tenancy agreement for the period ending December 31, 2025, the Landlord's application for an order terminating the tenancy and evicting the Tenant based upon the arrears of rent must be discontinued.

It is ordered that:

1. The motion to set aside Order LTB-L-000471-26, issued on January 12, 2026, is granted. The order cannot be enforced.
2. The previous order issued on January 15, 2025, with respect to LTB-L-077715-24 is cancelled and replaced with this order.
3. The Tenants paid all the rent that was in arrears and all additional rent that would have been due under the tenancy agreement for the period ending December 31, 2025.
4. The Landlord's application for an order terminating the tenancy and evicting the Tenant based upon the arrears of rent is discontinued.

February 17, 2026
Date Issued

Melissa Anjema
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.