



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

**File Number:** LTB-L-002310-26-SA

**In the matter of:** 505, 1480 Pickering Pky  
Pickering ON L1V3V7

**Between:** Capreit Limited Partnership Landlord  
  
and  
  
Dave Irving  
Nicola Williamson Tenants

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Irving and Nicola Williamson (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 October 24, 2025 with respect to application LTB-L-063359-25.

The Landlord's application was resolved by order LTB-L-002310-26, issued on January 14, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-002310-26.

This motion was heard by videoconference on February 11, 2026.

The Landlord's Legal Representative, Geoff Paine, and the Tenants attended the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

**On consent, it is ordered that:**

1. The motion to set aside Order LTB-L-002310-26, issued on January 14, 2026, is granted.
2. Order LTB-L-002310-26, issued on January 14, 2026, is set aside and cannot be enforced.
3. The previous order issued on October 24, 2025 with respect to LTB-L-063359-25 is cancelled and replaced with this order.
4. The Tenants shall pay the Landlord \$8,108.81, which represents the arrears of rent and costs outstanding for the period ending February 28, 2026.

5. The Landlord's application for eviction of the Tenants is denied on the condition that:

(a) The Tenants shall make the following payments to the Landlord in respect of the monies owing under paragraph 4 of this order:

| Date Payment Due  | Amount of Payment |
|-------------------|-------------------|
| February 20, 2026 | \$600.00          |
| February 27, 2026 | \$1,508.81        |
| March 20, 2026    | \$2,000.00        |
| April 20, 2026    | \$2,000.00        |
| May 20, 2026      | \$2,000.00        |

(b) For the period of March 2026 to May 2026, or until the arrears are paid in full, whichever date is earliest, the Tenants shall pay the Landlord the monthly rent in full and by the **first day** of each corresponding month.

6. If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 4 of this order shall become immediately due and owing. Also, the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the *Residential Tenancies Act, 2006*, for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay the amount due and owing under this order and any new arrears, NSF fees and related charges that became owing after February 28, 2026. The order that results from this section 78 application is usually issued without a hearing.

**February 13, 2026**  
**Date Issued**

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 Candace Aboussafy  
 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.