



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

Citation: Capreit Limited Partnership v Salazar, 2026 ONLTB 14957

Date: 2026-02-13

File Number: LTB-L-002549-26-SA

In the matter of: 3, 190 Kingsview Blvd
Etobicoke ON M9R1V5

Between:	Capreit Limited Partnership	Landlord
	and	
	David Salazar Carmen De Leon Ochoa	Tenants

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict David Salazar and Carmen De Leon Ochoa (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 July 8, 2025 with respect to application LTB-L-033674-25-AM.

The Landlord's application was resolved by order LTB-L-002549-26, issued on January 19, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-002549-26.

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

The Landlord's Legal Representative, Geoff Paine, and the Tenant, David Salazar, on behalf of both 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-002549-26, issued on January 19, 2026, is granted.
2. Order LTB-L-002549-26, issued on January 19, 2026, is set aside and cannot be enforced.
3. The previous order issued on July 8, 2025 with respect to LTB-L-033674-25-AM is cancelled and replaced with this order.

4. The Tenants shall pay the Landlord \$3,468.58, 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 pay installments of **\$1,000.00** on or before the 20th day of the month for the three (3) month period commencing February 20, 2026 to April 20, 2026.
 - (b) The remaining balance of **\$486.56** shall be paid on or before May 20, 2026.
 - (c) 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

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.