



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

File Number: LTB-L-003649-26-SA

In the matter of: 40 Ponytrail Drive
Brantford ON N3P1J8

Between: JOANNE KIRKMAN Landlord

And

Jennifer Brooks Tenants
Shirley Brooks

JOANNE KIRKMAN (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Brooks and Shirley Brooks (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on December 10, 2025 with respect to application 089965-25.

The Landlord's application was resolved by order LTB-L-003649-26, 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-003649-26.

This motion was heard by videoconference on February 12, 2026. The Landlord and the Tenants attended the hearing.

Determinations:

1. The Tenants had filed a previous set aside motion which was heard on December 3, 2025. The Board granted relief from eviction on the condition the Tenants paid rent in full and on time from January 2026 to December 2026.
2. The Tenants paid part of the January rent on January 1st and the balance on January 2nd. I find the Tenants are in breach of the conditions of the order.
3. The Tenants testified that there was a limit on the amount that could be transferred and the funds they were expecting to receive did not arrive until December 31st, which caused the breach.
4. It is difficult to accept that the first rent payment after the order was issued was late. However, February was paid early and the Tenants have lived in the rental unit for eight years.

5. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-003649-26.
6. I also find it fair to extend the requirement to pay rent in full and on time for 24 months and provide the Tenants with one last opportunity to preserve this tenancy.

It is ordered that:

1. The motion to set aside Order LTB-L-003649-26, issued on January 19, 2026, is granted.
2. Order LTB-L-003649-26, issued on January 19, 2026, is set aside and cannot be enforced.
3. Order LTB-L-089965-25 is cancelled and replaced with the following:
4. The Tenants shall pay to the Landlord the lawful rent in full and on time for each consecutive month commencing March 2026 and continuing through February 2028.
5. In the event the Tenants fail to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants, pursuant to Section 78 of the Residential Tenancies Act, 2006.

February 13, 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.

