



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

File Number: LTB-L-104267-25-SA

In the matter of: BASEMENT-ROOM 2, 1584 ROBILLARD RD
MISSISSAUGA ON L5J3K7

Between: JAMES T. DOBB Landlord

And

KENNETH DIX Tenant

JAMES T. DOBB (the 'Landlord') applied for an order to terminate the tenancy and evict KENNETH DIX (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 29, 2025 with respect to application LTB-L-067077-25.

The Landlord's application was resolved by order LTB-L-104267-25, issued on January 5, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-104267-25.

This motion was heard by videoconference on February 12, 2026. The Landlord represented by Jorge Andres Steinmetz, and the Tenant, who met with Duty Counsel, attended the hearing.

Determinations:

1. At a hearing held on October 15, 2025, the Tenant owed the Landlord \$5,523.47 in arrears and costs to the end of October 2025. The Board granted relief from eviction on the condition the Tenant paid the Landlord rent on time, plus \$300.00 on or before November 20, 2025, plus additional arrears payments that would become due after the Landlord filed the L4 application on December 9, 2025.
2. The Landlord representative testified that the last payment the Tenant made was \$654.00 on November 28, 2025.
3. The Tenant testified that he has not missed any payments.
4. The Tenant's evidence that was submitted with the set aside motion, shows an e-transfer of \$1,054.00 on October 29th. This payment was confirmed by the Landlord and represents November rent plus \$400.00 toward arrears as it was paid after the hearing.

The Tenant's evidence also shows a payment of \$654.00 on November 27th which was also confirmed by the Landlord. This would be applied to December rent.

5. As the Tenant paid the Landlord the November rent plus the November arrears payment, as well as December rent, when the Landlord filed the L4 application the Tenant was not in breach of the conditions of the order.
6. The evidence from the Tenant also shows a payment of \$654.00 on December 22, 2025 toward January rent which was confirmed by the Landlord. This payment was not disclosed by the Landlord's representative when he testified that last payment the Tenant made was on November 28th.
7. After considering all of the circumstances, including the fact the Tenant was not in breach of order LTB-L-067077-25 at the time the L4 application was filed, I find that it would be unfair to set aside order LTB-L-104267-25.

It is ordered that:

1. The motion to set aside Order LTB-L-104267-25, issued on January 5, 2026, is granted.
2. Order LTB-L-104267-25, issued on January 5, 2026, is set aside and cannot be enforced.

February 19, 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.

