



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

Citation: Singhal v Moore, 2026 ONLTB 15105

Date: 2026-02-23

File Number: LTB-L-002069-26-SA

In the matter of: 127 First Rd W
Stoney Creek ON L8J2R3

Between: Ashish Singhal Landlord

and

Katie Moore
Brad Leek Tenants

Ashish Singhal (the 'Landlord') applied for an order to terminate the tenancy and evict Katie Moore and Brad Leek (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 December 23, 2025 with respect to application LTB-L-090813-25.

The Landlord's application was resolved by order LTB-L-002069-26, 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-002069-26.

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

The Landlord and the Tenants attended the hearing.

Determinations:

1. The previous order provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain conditions specified in the order.
2. Pursuant to section 78(11) of the Act, the issues are as follows:
 - Did the Tenants breach the mediated agreement? If the answer to that question is "NO"; then the motion must be granted and the eviction order set aside;
 - If the Tenants did breach the mediated agreement, the issue becomes whether or not the Board is satisfied, having regard to all the circumstances, that it would not

be unfair to set aside the eviction order. If the Board determines that it would not be unfair to set aside the eviction order, the motion must be granted, and the eviction order must be set aside. Pursuant to s.78(12), the Board may then amend the previous mediated agreement if it is deemed appropriate to do so;

- If the Board is not satisfied that it would not be unfair to set aside the eviction order, then the Board must decide whether or not to delay lifting the stay of the eviction order.

Breach

3. There is no dispute that the Tenants did not pay \$13,186.00 on or before December 31, 2025. Therefore, I find that the Tenants breached a condition specified in the previous order.

Set Aside

4. Pursuant to section 78(11)(b) of the Act, the Board may make an order setting aside the ex parte order issued if the Board is satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order.
5. The Tenant, Katie Moore ('KM'), testified that they have been trying to withdraw a mutual fund early so that they can pay the arrears in full. She testified that they initially were not able to get it yet because her co-tenant, Brad Leek ('BL'), had to be 55. They then hoped to have it by January 26, 2026 because BL turned 55 on that day but they learned then that more paperwork was required. She testified that they are hoping to have it within the next week.
6. This is the second motion by the Tenants to set aside an eviction order for breach of the previous order, for the same period of arrears. While the Tenants assert that they will certainly have the money this time, the timeline by which they are hoping to receive it is speculative. Additionally, as of the hearing date, the Tenants owe \$16,386.00; however, they are withdrawing only \$15,000.00. There was no clear plan from the Tenants on how they intend to cover the rent that will become due on February 15, 2026 or the shortfall of what the mutual fund withdrawal will not cover.
7. Considering all of the circumstances, I find that it would be unfair to set aside the order. Given that the amount of arrears is substantial, this is a short tenancy as the Tenants only moved into the unit on April 15, 2025, and considering the likelihood that the arrears will continue to accrue until the Tenants vacate the rental unit, I find only a short delay in lifting the stay is reasonable. Therefore, the stay will be lifted on February 28, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-002069-26, issued on January 14, 2026, is denied.

2. The stay of order LTB-L-002069-26 is lifted February 28, 2026.

February 23, 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.