



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

File Number: LTB-L-106127-25-SA

In the matter of: 30 BALEBERRY CRES
EAST GWILLIMBURY ON L9N0P2

Between: Sheng Jing Chen Landlord
Guang Min Dai

And

Barbara Nagy Tenants
Aleksandar Peric

Sheng Jing Chen and Guang Min Dai (the 'Landlord') applied for an order to terminate the tenancy and evict Barbara Nagy and Aleksandar Peric (the 'Tenants') and for an order to have the Tenants pay the rent they owe because they did not meet a condition specified in the order issued by the LTB on October 8, 2025, with respect to application LTB-L-062555-25.

The Landlord's application was resolved by order LTB-L-106127-25, 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-106127-25.

This motion was heard by videoconference on February 12, 2026. The Landlord, the Landlord's Legal Representative, L. Xi, and the Tenants attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the order issued by the LTB on October 8, 2025, with respect to application LTB-L-062555-25.
2. The Tenants failed to pay the lawful monthly rent of \$3,400.00 on December 15, 2025. They made a payment of \$1,000.00 towards the rent on December 21, 2025.
3. The Tenants testified that they were prevented from making the required payments due to a failed business, and a divorce a year ago. The Tenant, Barbara Nagy is unemployed but the other Tenant, who was out of work for approximately two weeks in December 2025, currently earns \$6,000.00 monthly.
4. Despite their income, the Tenants also did not pay the rent on January 15, 2026, because they plan to vacate the rental unit. They also claimed that they have no place to go.

5. The Tenants, who have resided in the rental unit for four years or more, and have a six-year-old child, testified that they obtained emergency benefits of \$3,500.00 from the Canada Revenue Agency (CRA) and intend to sell their car for \$7,000.00 to \$8,000.00 and give the funds to the Landlord.
6. The Landlord opposed the Tenants' motion and testified that the Tenants gave the same excuses for failing to pay the rent at the initial hearing on October 1, 2025. The Landlord claimed financial obligations such as mortgage payments and property taxes have been frustrated by the Tenants lack of payments.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-106127-25. The order required the Tenants to pay the monthly rent on time and in full for the period from November 15, 2025, to August 15, 2026, and arrears of \$1,447.70 on the first day of each month from November 1, 2025, to August 1, 2026.
8. The Tenants failed to pay the rent in full on December 15, 2025, and January 15, 2026, and did not pay arrears of \$1,447.70 on February 1, 2026. The arrears, originally \$14,777.00 for the period ending October 14, 2025, has increased to \$14,981.60 for the period ending February 14, 2026.
9. The Tenants did not provide any evidence to support their claim that they will receive benefits of \$3,500.00 from the CRA, and the date on which they will sell their car, which is undergoing repairs, is uncertain. The Tenants admittedly sent an email to the Landlord on December 1, 2025, in which Barbara Nagy informed the Landlord that they would vacate the unit on February 1, 2026, and the Landlord would not see a dollar of what was owed.
10. The late and missed payments are an ongoing pattern which the Tenants, given the opportunity and in spite of their income, have failed to address. The stay of order LTB-L-106127-25 will be lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-106127-25, issued on January 19, 2026, is denied. The order is confirmed and remains unchanged.
2. The stay of order LTB-L-106127-25 is lifted immediately.

February 19, 2026
Date Issued

Jitewa Edu
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.