



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

Citation: Galleria Developments Inc. dba Galleria on the Park Affordable Rental Housing v
Benloulou, 2026 ONLTB 17217

Date: 2026-02-24

File Number: LTB-L-006533-26-SA

In the matter of: 404, 1283 DUPONT ST
TORONTO ON M6H0E4

Between: Galleria Developments Inc. dba Galleria on the Park Affordable Rental Housing Landlord

And

Sylvie Benloulou Tenants
Chloe Benloulou

Galleria Developments Inc. dba Galleria on the Park Affordable Rental Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Sylvie Benloulou and Chloe Benloulou (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on September 15, 2025 with respect to application LTB-L-057396-25.

The Landlord's application was resolved by order LTB-L-006533-26, issued on January 27, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-006533-26.

This motion was heard by videoconference on February 18, 2026. The Landlord's legal representative Paul Kyte and the Tenant Sylvie Benloulou attended the hearing.

Determinations:

1. The prior order issued on September 15, 2025, was a conditional order requiring the Tenants to pay their lawful rent in full and on time for the period of October 2025 to September 2026.
2. The ex-parte order issued on January 27, 2026, terminates the tenancy because the Tenants failed to pay the lawful rent for January 2026 on or before January 1, 2026.
3. The Tenants do not dispute breaching the September 15, 2025 order. Therefore, the only issue for the Board to determine is whether it would be unfair in all of the circumstances to set aside the January 27, 2026 ex-parte order.

4. The Tenant present at the hearing testified that the rent for January 2026 was not paid on time because she was on medical leave from her employment from October 2025 and because her father passed away in November 2025, which resulted in unexpected funeral costs and expenses incurred.
5. The parties agree that the January 2026 rent was subsequently paid in full January 8, 2026. The parties further agreed that the rent for February 2026 was paid in full and on time.
6. The Landlord's representative did not cross-examine or dispute the Tenant's testimony but argued that the motion should be denied on the basis that the Tenants have breached a term of the prior order.
7. Section 78(11)(b) of the *Residential Tenancies Act, 2006* (the Act) states that the Board may set aside an ex-parte order if satisfied that having regard to all of the circumstances that it would not be unfair to do so. This applies even if the Board is satisfied that there was a breach of the prior order.
8. Based on the evidence and submissions before the Board, I find that it would not be unfair in all of the circumstances to set aside the January 27, 2026 ex-parte order.
9. Although the Tenants breached the prior consent order, the breach was cured within a short period of time, and the Tenants provided a reasonable explanation for the breach, which was due to unforeseen circumstances. Further, since the breach, the Tenants have shown good faith by continuing to comply with the subsequent terms of the prior order ensuring that the rent account is in good standing as of the hearing date. The Landlord also led insufficient evidence with respect to their circumstances to suggest that it would be unfair to set aside the ex-parte order.
10. The Tenant's motion is therefore granted and the terms and conditions of the prior order issued on September 15, 2025 will remain in full force and effect.
11. This Order contains all the reasons for this matter. No further reasons will issue.

It is ordered that:

1. The motion to set aside Order LTB-L-006533-26, issued on January 27, 2026, is granted.
2. Order LTB-L-006533-26, issued on January 27, 2026, is set aside and cannot be enforced.
3. The previous order issued on September 15, 2025 with respect to LTB-L-057396-25 remains in full force and effect.

February 24, 2026
Date Issued

Fabio Quattrociocchi
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.