



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

File Number: LTB-L-001556-26-SA

In the matter of: 28, 177 BAYVIEW DR
BARRIE ON L4N4Y6

Between: 177 Bayview Drive Limited c/o Realstar Landlord
Corp.

And

Nicole Gordon Tenant

177 Bayview Drive Limited c/o Realstar Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Gordon (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on December 16, 2025 with respect to application LTB-L-078403-25-AM.

The Landlord's application was resolved by order LTB-L-001556-26, issued on January 19, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-001556-26.

This motion was heard by videoconference on February 19, 2026. The Landlord's representative Martin Zarnett, the Landlord's agent Dawn Inglehart, and the Tenant represented by Brittany-Rose Ward, attended the hearing.

Determinations:

1. At a hearing held on November 24, 2025, the Tenant, assisted by her 38-year-old son, Alexander Gordon, who also resides in the rental unit, consented to an order to clean and maintain the rental unit to a level 1 on the clutter scale, prepare the rental unit for pest control, and remove all items from the backyard. The order does not mention the date for compliance, but the parties agree the deadline was December 31, 2025.
2. Photographs taken inside the unit and of the condition of the backyard from January 4, 2026, show that the unit had not been decluttered and the items remain in the backyard. The Tenant testified that a stove had been removed.
3. The Tenant's representative points to a report from January 4th from Ms. Inglehart, which says that she did not notice a significant improvement in the level of hoarding or cleanliness. The Landlord testified that there was perhaps a 5 to 10% improvement.

4. The agreement was to clean the unit to a level 1 on the clutter scale. Even if the progress has not been significant, little progress has been made in nearly three months.
5. In addition to the Tenant and her son, there are also three other people living in the rental unit aged 50, 31 and 10.
6. On consent, the Tenant was provided five weeks to comply with the conditions set out in the order. It has been an additional eight weeks since that compliance date passed.
7. The Tenant testified that the items in the backyard cannot be removed because they are frozen. Alexander Gordon knew that this was a condition when the conditions for relief from eviction was granted. The Tenant also testified that they do not have a vehicle to move items out of the home. The Tenant also testified that she has a friend with a truck she can borrow. The Tenant has known this person long before the consent order was issued.
8. The Tenant acknowledges that she has not complied with the conditions set out in the order. The Tenant's representative requested an additional 45 days to meet the conditions of the order. Ms. Ward's submission is that the Tenant is grieving the loss of her husband ten years ago as the cause for not complying with the order. The Tenant is now seeing a social worker.
9. The Landlord testified that the pest control issues cannot be resolved and is affecting surrounding units. The Landlord is treating the other units but the issue persists.
10. After considering all of the circumstances, including the fact there are four adults living in the unit who would have known of the conditions for relief from eviction and little has been done to comply with the order agreed to nearly three months ago, I find that it would be unfair to set aside order LTB-L-001556-26.
11. I find it fair to delay lifting the stay to provide additional time to relocate. The stay will be lifted on April 30, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-001556-26, issued on January 19, 2026, is denied.
2. The stay of order LTB-L-001556-26 is lifted April 30, 2026.
3. Order LTB-L-001556-26 is unchanged.

February 25, 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.