



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

File Number: LTB-L-003479-26-SA

In the matter of: 105, 4 GOLDFINCH CRT
NORTH YORK ON M2R2C3

Between: Elm Place Inc. – 4 Goldfinch Court

Landlord

And

Jose Daniel Tovar Barrera

Tenant

Elm Place Inc. – 4 Goldfinch Court (the 'Landlord') applied for an order to terminate the tenancy and evict Jose Daniel Tovar Barrera (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 December 18, 2025 with respect to application LTB-L-094601-25.

The Landlord's application was resolved by order LTB-L-003479-26, 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-003479-26.

This motion was heard by videoconference on February 24, 2026. The Landlord's representative Sara Ginman, and the Tenant, assisted by an interpreter and who met with Duty Counsel, attended the hearing.

The Landlord consents to the Tenant's motion to set aside. At the hearing the parties consented to the following order.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,101.25. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$69.08. This amount is calculated as follows: \$2,101.25 x 12, divided by 365 days.

5. The Tenant has paid \$10,594.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2025 are \$(2,189.00).
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,050.16 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

It is ordered that:

1. The motion to set aside Order LTB-L-003479-26, issued on January 19, 2026, is granted.
2. Order LTB-L-003479-26, issued on January 19, 2026, is set aside and cannot be enforced.
3. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
4. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 1. \$6,402.00 if the payment is made on or before February 28, 2026. See Schedule 1 for the calculation of the amount owing.

OR

2. \$8,503.25 if the payment is made on or before March 10, 2026. See Schedule 1 for the calculation of the amount owing.
5. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after March 10, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
6. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 10, 2026.**
7. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$4,211.18. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$69.08 per day for compensation for the use of the unit starting October 29, 2025 until the date the Tenant moves out of the unit.
8. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
9. If the unit is not vacated on or before March 10, 2026, then starting March 11, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

10. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after March 11, 2026.

February 27, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 11, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

February 27, 2026

Date Issued

Greg Joy

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