



**Amended Order
Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

File Number: LTB-L-018858-25-RV-AM

In the matter of: 701, 11 MARGARET AVE
KITCHENER ON N2H6M4

Between: Homestead Land Holdings Limited

Landlord

And

Philip Taylor

Tenant

Review Order

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Philip Taylor (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on January 23, 2025 with respect to application LTB-L-082367-24-SA.

This application was resolved by order LTB-L-018858-25-SA issued on May 15, 2025. The Tenant did not attend the motion hearing, and it was dismissed as abandoned by the Tenant at 9:30am at the May 13, 2025 hearing.

On July 8, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved. The Tenant alleged that they were unable to participate in the hearing on the basis that they experienced technical issues logging on and other issues with accessing a place to log onto the zoom hearing.

On July 9, 2025 interim order LTB-L-018858-25-SA-RV-IN was issued, staying the order issued on May 15, 2025.

This review was heard by videoconference on September 2, 2025.

The Landlord's legal representative, Tanya Rose, the Tenant's legal representative, Tanesha Farquharson, and the Tenants support person from Eviction Prevention in Waterloo Region, Julia Wilson, attended the hearing.

This amended order is issued to correct a clerical issue. The amendment is underlined and in bold for ease of reference.

Determinations:

1. At the onset of the hearing the Landlord indicated that they would not consent to the review request and that they just want an order for the Tenant to vacate the rental unit. However, the Landlord did not dispute the reasons why the Tenant missed their set-aside motion hearing on May 13, 2025.
2. On this basis, I accept that the Tenant was unable to attend the hearing due to experiencing technical issues on the hearing date and that they were unable to access the internet to connect to Zoom because the location they were accessing was closed on that date.
3. Accordingly, the request to review the order is granted and I proceeded to hear the Tenant's motion to set-aside the order that was filed on March 20, 2025 and based on the exparte order that was issued on March 12, 2025 under LTB-L-018858-25.
4. The Tenant does not dispute that they failed to pay the arrears of \$300.00 on or before March 1, 2025 and they don't dispute that they failed to pay the full lawful rent due on March 1, 2025. Accordingly, I find that the Tenant breached the order that was issued on January 23, 2025 under file LTB-L-082367-24-SA.
5. After the order was issued, the Tenant does not dispute that they have not been paying the full rent or payments towards the arrears. The Tenant made a good faith payment of \$900.00 to the Landlord on the morning of the hearing date.
6. Aside from a dispute regarding the parking charges on the rent for the Tenant's e-bike, the Tenant did not dispute that the rent arrears owing to September 30, 2025 is over \$10,000.00 and that the arrears have more than doubled since January of 2025.
7. The Tenant agrees that they are unable to sustain the current rent, and they also agree that the tenancy is no longer viable.
8. The Tenant has lived in the rental unit for more than 15 years. The Tenant has many complex medical issues, including diabetes, PTSD, seizures and are experiencing tissue loss on their foot that they require specialist intervention for. The Tenant has the support of the eviction prevention services provided by the Region of Waterloo and they are willing to support the Tenant with first and last month's rent at their new residence once one is located. On this basis, the Tenant sought 90 days to find alternative housing.
9. The Landlord was opposed to granting any additional time since they already consented to two previous payment plans that the Tenant failed to meet. Also, because of the substantial amount of arrears that are continuing to accrue without any foreseeable prospect of being able to pursue the outstanding debt or the ongoing rent. The Landlord is sympathetic to the Tenant's circumstances; however, they also require the rent money to ensure that the building is managed properly, and expenses are met.
10. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-018858-25 issued on March 12, 2025.

11. However, given the extenuating circumstances of the Tenant, I do find that 90 days is appropriate to give the Tenant additional time to locate alternative housing before the stay is lifted.
12. I find that the prejudice to the Tenant in losing their long-term housing exceeds the prejudice to the Landlord.
13. An oral decision was given at the hearing and this order reflects the oral decision.

It is ordered that:

1. The request to review order LTB-L-018858-25-SA issued on May 15, 2025 is granted. The order is cancelled and replaced with the following order:
2. The motion to set aside Order LTB-L-018858-25 issued on March 12, 2025 is denied.
3. The stay of order LTB-L-018858-25 is lifted November 30, 2025.

September 11, 2025
Date Issued

February 27, 2026
Date Amended

Terri van Huisstede
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.