



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

Citation: Buchanan v Saunders, 2026 ONLTB 18297

Date: 2026-03-05

File Number: LTB-L-103948-25-SA

In the matter of: 68 LANSDOWNE STREET
PETERBOROUGH ON K9J2A8

Between: William (Bill) Buchanan Landlord

And

Mark Saunders Tenant

William (Bill) Buchanan (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Saunders (the 'Tenant') because the Tenant did not meet a condition specified in the order issued on November 10, 2025, with respect to application LTB-L-058222-25.

The Landlord's application was resolved by order LTB-L-103948-25, issued on December 11, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-103948-25.

This motion was heard by videoconference on January 15, 2026.

The Landlord's legal representative Crystal Francey and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet conditions specified in the order issued by the LTB on November 10, 2025, with respect to application LTB-L-058222-25.
2. Specifically, the Tenant failed to provide proof to the Landlord of attempts made to assume responsibility for the utility accounts by November 10, 2025, and further the Tenant failed to pay \$693.13 for arrears of utility costs by November 30, 2025. The Tenant did not dispute breaching the previous order.

The surrounding circumstances

3. The Tenant testified that he experienced a sudden breakdown in his relationship which resulted in his inability to pay the balance of utility costs because his former partner was the sole source of income for the household.
4. The Tenant gave evidence that the utility arrears could be paid by February 6, 2026, however, the Tenant acknowledged that their only current source of income is from Ontario Works (OW). The Tenant testified that he is “back on track” with finances and works as a solar consultant.
5. The Tenant’s testimony in relation to their income was vague and contradictory at times. The Tenant would testify that their financial situation was not resolved, and they are “working on a source of income”. At other times the Tenant would testify they can “settle up” any amounts owed because they are “back on track”.
6. It was undisputed that the Tenant made one of the required payments pursuant to the order in LTB-L-058222-25. After making the first payment, the Tenant experienced an unexpected and drastic change to the household composition and income.
7. Despite the Tenant’s change in income, the Tenant has still not paid the outstanding balance as required by LTB-L-058222-25. Further, the Tenant acknowledged that they did not provide proof of any attempts to assume carriage of the utility accounts by November 10, 2025, and did not testify that any attempts had been made as of the date of the hearing.
8. The Landlord’s representative submits that additional utility costs have accrued since the prior order which remain unpaid, and that the Tenant’s own testimony demonstrates that they cannot afford the rent or utilities.
9. The Tenant did not pay the amount required pursuant to the prior order and additional utilities arrears have accrued. There is no evidence that the Tenant attempted to comply with the requirement to assume carriage of utilities which the Tenant could have pursued regardless of their financial situation. After considering all of these circumstances, I find that it would be unfair to set aside order LTB-L-103948-25.

The Stay is Lifted on March 31, 2026

10. The Tenant testified that they would need as much time as possible to vacate the rental unit because of a challenging rental market.
11. The Landlord’s representative requested that the stay be lifted January 31, 2026.
12. Based on the date this order will issue, and with consideration of the Tenant’s circumstances, I find it is appropriate to lift the stay of order LTB-L-103948-25 on March 31, 2026, to provide the Tenant with the opportunity to secure alternative accommodations.

It is ordered that:

1. The motion to set aside Order LTB-L-103948-25, issued on December 11, 2025, is denied.
2. The stay of order LTB-L-103948-25 is lifted on March 31, 2026.
3. Order LTB-L-103948-25 is unchanged.

March 5, 2026
Date Issued

Kyle McGraw
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.