



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

File Number: LTB-L-003711-26-SA

In the matter of: 1408, 730 SAINT CLARENS AVE
TORONTO ON M6H4E8

Between: AKELIUS CANADA LTD Landlord

And

YANIQUE SMITH Tenants
VONZEL SMITH

AKELIUS CANADA LTD (the 'Landlord') applied for an order to terminate the tenancy and evict YANIQUE SMITH and VONZEL SMITH (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on August 28, 2025 with respect to application LTB-L-041769-25.

The Landlord's application was resolved by order LTB-L-003711-26, 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-003711-26.

This motion was heard by videoconference on February 17, 2026. The Landlord's representative Emily Barbati, and the Tenant Yanique Smith, attended the hearing.

Determinations:

1. On consent, the Tenant was ordered to pay rent in full and on time from September 2025 through August 2026.
2. In the first four months since the order was issued the Tenant has been late paying rent the past four months in a row. November was paid on November 4th, December was paid on December 12th, January was not paid fully paid until February 6th, and February was paid on February 11th.
3. The Tenant requested that the order allows rent to be paid by the 10th day of each month. I do not have the jurisdiction to change the due date without the consent of the Landlord. The Landlord did not consent. Even if the order had provided for the Tenant to pay rent on the 10th of the month, the rent payment would have been late in three of the past six months.

4. The Tenant testified that because of the dates that she gets paid, she will not be able to pay March rent in full and on time.
5. Vonzel Smith is named as a second tenant. Vonzel Smith is the Tenant's mother and signed as a guarantor. The Tenant was asked if her mother could assist with short term loans to help the Tenant pay on time with the Tenant paying her mother back. The Tenant testified that her mother also lives paycheck to paycheck and cannot afford to assist her.
6. The Landlord submits that the Tenant has been late paying rent and in arrears of rent since she moved into the unit three years ago.
7. The evidence shows that the Tenant cannot afford to pay rent in full and on time and has no options to allow for the payments.
8. After considering all of the circumstances, including the fact that rent has been late four of six months since relief from eviction was granted, I find that it would be unfair to set aside order LTB-L-003711-26.
9. I find it fair to provide the Tenant additional time to relocate. Lifting the stay will be delayed until May 31, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-003711-26, issued on January 19, 2026, is denied.
2. The stay of order LTB-L-003711-26 is lifted May 31, 2026.
3. Order LTB-L-003711-26 is unchanged.

March 2, 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.

