



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

File Number: LTB-L-000565-26-SA

In the matter of: Basement Unit, 55 BURNESS DR
ST CATHARINES ON L2P1J4

Between: Juan Pablo Gomez Ramirez Landlord

And

Justin Thompson Tenant

Juan Pablo Gomez Ramirez (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Thompson (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe 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-087864-25-AM.

The Landlord's application was resolved by order LTB-L-000565-26, issued on January 20, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-000565-26.

This motion was heard by videoconference on February 12, 2026. The Landlord, the Landlord's Legal Representative, B. Rubin, and the Tenant attended the hearing. The Tenant's witness, M. Simon (MS), also attended the hearing.

Determinations:

1. The Tenant failed to meet a condition specified in the order issued by the LTB on December 16, 2025, with respect to application LTB-L-087864-25-AM.
2. The lawful monthly rent is \$1,700.00.
3. The Tenant failed to pay the rent in full on January 1, 2026.
4. The Tenant testified that he paid a portion of the rent, \$1,100.00 on January 1, 2026, and his witness, was supposed to pay directly to the Landlord, \$600.00 on that date.
5. The Tenant's witness, MS, the Housing Programs Director at the Niagara Regional Native Center, testified that due to a banking error from their finance department, the payment of \$600.00 was not made on January 1, 2026, as ordered. The payment was not made until February 6, 2026.

6. The Landlord opposed the motion stating that the Tenant failed to inform them that a portion of the rent would be paid on his behalf and in any event, the complete payment was not made until February 6, 2026.
7. There is no dispute that the Tenant paid the rent for February 2026 on January 30, 2026.
8. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-000565-26. The Tenant did breach order LTB-L-087864-25-AM, but MS attributed that failure to her agency and they ensured that the rent for February 2026 was paid on time and in full.

It is ordered that:

1. The motion to set aside Order LTB-L-000565-26, issued on January 20, 2026, is granted. The order cannot be enforced by the Landlord.
2. The previous order issued on December 16, 2025, with respect to LTB-L-087864-25-AM continues in effect.

March 5, 2026
Date Issued

Jitewa Edu
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.