



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

Citation: Sivakumar v Gocsal, 2026 ONLTB 19694

Date: 2026-03-04

File Number: LTB-L-001925-26-SA

In the matter of: 35 NEELANDS CRES
SCARBOROUGH ON M1E0B6

Between: Sujitha Sivakumar Landlord

And

Andrea Gocsal Tenant

Sujitha Sivakumar (the 'Landlord') applied for an order to terminate the tenancy and evict Andrea Gocsal (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 January 5, 2026 with respect to application LTB-L-086688-25-SA.

The Landlord's application was resolved by order LTB-L-001925-26, issued on January 26, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-001925-26.

This motion was heard by videoconference on March 2, 2026.

The Landlord, the Landlord's Legal Representative Tom Thiru and the Tenant attended the hearing.

Determinations:

There was no breach of the previous mediated settlement

1. The Tenant did not fail to meet a condition specified in the order issued by the LTB on January 5, 2026, with respect to application LTB-L-086688-25-SA.
2. LTB-L-086688-25-SA, issued on January 5, 2026, had set aside the previous order and implemented a new payment plan that commenced on January 15, 2026. The Tenant was not directed to make a \$300.00 payment on or before December 15, 2025. Despite this, the *ex-parte* order was issued.

3. While the Landlord's Legal Representative wanted to raise the issue of new breaches, it was determined that the Landlord had already filed applications with respect to those breaches and as such, those issues were not heard.
4. Having determined there was no breach of LTB-L-086688-25-SA, I find that it would not be unfair to set aside order LTB-L-001925-26.

It is ordered that:

1. The motion to set aside Order LTB-L-001925-26, issued on January 26, 2026, is granted.
2. Order LTB-L-001925-26, issued on January 26, 2026, is set aside and cannot be enforced.

March 4, 2026
Date Issued

Jagger Benham
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.