



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

File Number: LTB-L-103523-25-SA

In the matter of: 64 KEYSTONE TRAIL
WELLAND ON L3B0N8

Between: Jigishkumar (Jigish) Patel Landlord
Nirali Patel

And

Alexandra (Alexa) Albert Tenant
Tyran Allen Ryan Meredith

Jigishkumar (Jigish) Patel and Nirali Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Alexandra (Alexa) Albert and Tyran Allen Ryan Meredith (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 November 13, 2025 with respect to application LTB-L-072818-25.

The Landlord's application was resolved by order LTB-L-103523-25, 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-103523-25.

This motion was heard by videoconference on January 13, 2026.

The Landlord's Legal Representative Janarthane Veerasingam and the Tenant Alexandra (Alexa) Albert attended the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order. When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant at the top of the order.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet a condition specified in the order issued by the LTB on November 13, 2025, with respect to application LTB-L-072818-25.

2. The Tenant does not dispute that the conditions of the November 13, 2025, order were breached. The Tenant acknowledged that the payments required by that order were not made.
3. The evidence before the Board was that the Tenant failed to make the required arrears payments and that additional rent has continued to accumulate. As of January 31, 2026, the Landlord's uncontested evidence was that the rent arrears had grown to more than \$12,000.00. Based on the Tenant's admission and the Landlord's evidence, I find on a balance of probabilities that the Tenant failed to comply with the conditions of the November 13, 2025, order.

The surrounding circumstances

4. After finding that the previous order was breached, I considered whether relief should be granted under subsection 78(11) of the Residential Tenancies Act, 2006 (the "Act"). The Tenant explained that the other tenant named on the lease has left the rental unit following police involvement and is no longer contributing toward the rent. The Tenant now resides in the rental unit alone with her eight-year-old daughter and testified that her financial circumstances have changed significantly.
5. The Tenant requested that the Board impose a new payment plan of \$1,700.00 per month, stating that this is the maximum amount she can afford to pay. However, the lawful monthly rent is \$2,358.76 plus utilities. As a result, the payment plan proposed by the Tenant would not cover the ongoing monthly rent and would cause the arrears to increase further each month.
6. In my view, it would not be fair to the Landlord to impose a payment plan that would result in additional arrears continuing to accumulate. The Tenant acknowledged that she cannot afford the lawful rent and also cannot make meaningful payments toward the existing arrears. I therefore find that the Tenant has not established an ability to comply with a conditional order that would preserve the tenancy.
7. While I have considered the Tenant's circumstances, including that she resides in the unit with her young child, the arrears are already significant and the Tenant has not demonstrated a viable plan to pay the rent going forward. In these circumstances, I find that it would be unfair to set aside the eviction order.

The stay is lifted immediately

8. The stay of order LTB-L-103523-25 is lifted immediately.
9. The Tenant requested that the stay be extended to March 1, 2026, to allow time to secure alternative accommodation for herself and her child. However, the order being set aside was issued on December 11, 2025, and the Tenant has therefore already received a significant period of additional time during the motion process while the order was stayed. In the circumstances, I find that it is appropriate for the stay of order LTB-L-103523-25 to be lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-103523-25, issued on December 11, 2025, is denied.
2. The stay of order LTB-L-103523-25 is lifted immediately.
3. Order LTB-L-103523-25 is unchanged.

March 10, 2026

Date Issued

Kyle Anderson

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.