



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

File Number: LTB-L-084523-25-SA

In the matter of: 337 FINIAL WAY
NEPEAN ON K2J6V9

Between: Yanhuan Zhang Landlord

And

Marcia Patricia McTavish Tenant
David Clark

Yanhuan Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Marcia Patricia McTavish and David Clark (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 September 18, 2025 with respect to application LTB-L-056327-25.

The Landlord's application was resolved by order LTB-L-084523-25, issued on October 15, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-084523-25.

This motion was heard by videoconference on March 11, 2026.

The Landlord's Legal Representative Cuiwen Hu, the Landlord's Agent Chao Chen, and the Tenant Marcia Patricia McTavish attended the hearing.

Determinations:

1. It was undisputed that the Tenant failed to meet a condition specified in the order issued by the LTB on September 18, 2025, with respect to application LTB-L-056327-25. The Tenant failed to make an arrears payment of \$500.00 on October 1, 2025.
2. The Tenant testified that her adult son lost his job in the summer of 2025, and her adult daughter's social assistance was cancelled in June 2025. The Tenant's parents were significantly affected by a hurricane in Jamaica in November 2025, and the Tenant sent them money to stabilize. The Tenant paid rent three times in the six months that have passed since order LTB-L-056327-25 was issued and did not make any arrears payments in that period. The Tenant's monthly income is \$8,400.00, and she has four underage children.

3. The Landlord's Agent testified that the Landlord relies on the rent to pay for their own expenses including the mortgage and property taxes. The Landlord is financially and emotionally affected by the increasing arrears and does not want the tenancy to continue.
4. While I am mindful of the Tenant's circumstances, I find that none of them explain the breach of the order on October 1, 2025. The Tenant's adult children lost their income months before the breach, and the Tenant's parents were affected by the hurricane after the breach. The Tenant was unable to explain how, with a substantial income of \$8,400.00 monthly, she was unable to make any of the arrears payments. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-084523-25.
5. However, considering the Tenant's hardship, I find it appropriate to delay lifting the stay of order LTB-L-084523-25 until March 31, 2026. The eviction has already been enforced by the Sheriff and there was an interim order issued requiring the Landlord to preserve the Tenant's belongings. The parties shall make arrangements to allow the Tenant to remove her belongings from the unit before March 31, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-084523-25, issued on October 15, 2025, is denied.
2. The stay of order LTB-L-084523-25 is lifted on March 31, 2026.
3. Interim order LTB-L-084523-25-SA-IN, issued on February 19, 2026, is cancelled.
4. The Landlord shall immediately grant the Tenant access to their possessions.
5. The Landlord shall not re-rent the unit to another tenant until April 1, 2026.
6. Order LTB-L-084523-25 is unchanged.

March 17, 2026

Date Issued

Kate Sinipostolova

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.