



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

File Number: LTB-L-010658-26-SA

In the matter of: 501, 85 ACORN PL
MISSISSAUGA ON L4Z3N2

Between: Peel Housing Corporation o/a Peel Living Landlord

And

Maria Gradek Tenant

Peel Housing Corporation o/a Peel Living (the 'Landlord') applied for an order to terminate the tenancy and evict Maria Gradek (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 May 27, 2025 with respect to application LTB-L-005593-25.

The Landlord's application was resolved by order LTB-L-010658-26, issued on February 9, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-010658-26.

This motion was heard by videoconference on March 23, 2026.

The Landlord's representative Kailee Trigiani, the Tenant, and the Tenant's representative Daniel Amsler attended the hearing.

Determinations:

There was a breach of the previous consent order

1. There is no dispute the Tenant failed to meet a condition specified in the order issued by the LTB on May 27, 2025 with respect to application LTB-L-005593-25. One allegation in the *ex parte* order issued was that the Tenant failed to declutter the rental unit. However, at the hearing, the Landlord agreed since the issuance of the *ex parte* order the clutter in the unit has significantly improved. The Landlord submits the remaining issue is the unsanitary condition of the unit.

The surrounding circumstances

2. The Tenant is an elderly lady who relies on her adult son to help with her housekeeping. The Tenant moved from a 2-bedroom unit to a 1-bedroom unit which contributed the clutter that the Landlord originally complained of in LTB-L-005593-25.

3. The Tenant testified she understood the terms of the order that she was required to wash the floors of the rental unit. Based on the evidence provided by the Landlord it is evident the Tenant has not washed the floors in the rental unit.
4. The Landlord's witness Nav Deol (ND) testified that on March 19, 2026 she attended the rental unit and observed evidence of what she believed to be pets relieving themselves in the rental unit. Furthermore, there was a strong odour emanating from the litter box which appeared to not be emptied.
5. The Tenant has demonstrated she is actively trying to comply with the previous orders issued by the Board. Although it may have taken some more time than the Landlord would like, I am satisfied the Tenant should be afforded the opportunity to bring the unit to sanitary condition.
6. I have also considered that the Tenant has resided in the rental unit for four years. The Act is remedial legislation and the courts have determined that evicting a tenant is a remedy of last resort. In the cases of *Sutherland v. Lamontagne*, [2008] O.J. No. 5763 (Div. Ct.) and *Paderewski Society v. Ficyk*, [1998], the Divisional Court stated, "to put somebody out of their home must, in my view, call for clear and compelling circumstances that it's no longer possible for the arrangement to continue." The termination of a tenancy is a remedy of last resort and relief should be granted where the tenancy can be saved without overly prejudicing a landlord's interests.
7. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-010658-26.

It is ordered that:

1. The motion to set aside Order LTB-L-010658-26, issued on February 9, 2026, is granted.
2. Order LTB-L-010658-26, issued on February 9, 2026, is set aside and cannot be enforced.
3. The previous order issued on May 27, 2025 with respect to LTB-L-005593-25 is amended as follows:
 1. Paragraph 3 is deleted and replaced with the following term: the Tenant shall clean and sanitize the unit within 60 days from the date of this order LTB-L-010658-26-SA including the disposal of any garbage items.
 2. Paragraph 8, the section 78 enforcement clause, shall apply to the amended terms above.

March 26, 2026
Date Issued

Elena Jacob
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.