



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

File Number: LTB-L-011743-26-SA

In the matter of: 2109, 44 VALLEY WOODS ROAD
TORONTO ON M3A2R7

Between: TOP OF THE VALLEY APARTMENTS Landlord

And

SEAN SAUNDERS Tenant

TOP OF THE VALLEY APARTMENTS (the 'Landlord') applied for an order to terminate the tenancy and evict SEAN SAUNDERS (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 22, 2026 with respect to application LTB-L-088497-25.

The Landlord's application was resolved by order LTB-L-011743-26, issued on February 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-011743-26.

This motion was heard by videoconference on March 25, 2026.

The Landlord's Legal Representative, S. Beard, and the Tenant attended the hearing.

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 January 22, 2026 with respect to application LTB-L-088497-25. The Tenant failed to pay the lawful rent for February 2026 on or before February 1, 2026.

The surrounding circumstances

2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-011743-26.
3. The Tenant stated that he has been unemployed since last July or September and worked odd jobs to survive until he began receiving OW payments. He stated that he recently had

an accident on February 22, 2026, which caused a serious injury, a compressed disc, and has been home ridden for last few weeks. As a result of this injury he stated that he recently applied for ODSP and is awaiting those funds/response. He also expects to receive some emergency assistance funding from ODSP and/or rent bank which he believes will clear the rent arrears in full and he would be able to pay the rent going forward after that with his monthly ODSP.

4. The Tenant also stated that he has resided in the rental unit for nine years. He was assisting with the full time care of his autistic son while his son's mother was ill which also prevented him from working. He further confirmed that he still cares for his son on weekends and after school sometimes.
5. The Landlord's Legal Representative opposed the Tenant's motion and provided a copy of the Tenant's ledger into evidence (DOC-7636667) and confirmed that the rent arrears owing to March 31, 2026 is \$9,434.24 and the currently monthly rent as of February 1, 2026 is \$1,562.82. He submitted that the Tenant has failed to provide any supporting information with respect to his application to ODSP, emergency funding, or the rent bank. He also submitted that the previous order was an imposed payment plan as the Tenant asserted that he would be receiving EI benefits despite not being able to confirm at that hearing what amounts will be received.
6. The Landlord's Legal Representative requested that the motion be denied and the stay lifted as the rent arrears have increased, the Tenant has not made any payments to the Landlord and the Tenant's accident occurred after the breach on February 1, 2026.
7. The rent arrears are significant at \$9,434.24 and have increased since the previous order was issued, the Tenant immediately breached the previous order, and has not made any payments to the Landlord, also he has not provided any information to support or substantiate his claims that he can pay the rent and the arrears going forward. Given these circumstances, I find that it would be unfair to set aside the order and grant another payment plan or relief.

The stay is lifted on April 30, 2026

8. The stay of order LTB-L-011743-26 is lifted on April 30, 2026. This is a long term tenancy, approximately 7 years, and the Landlord is holding a last month's rent deposit.

It is ordered that:

1. The motion to set aside Order LTB-L-011743-26, issued on February 13, 2026, is denied.
2. The stay of order LTB-L-011743-26 is lifted on April 30, 2026.
3. Order LTB-L-011743-26 is unchanged.

March 31, 2026

Date Issued

Lisa Del Vecchio

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.