



**Order under Section 21.2 of the Statutory Powers Procedure Act and
Order under Sections 69 and 78(11)
Residential Tenancies Act, 2006**

Citation: EM Canada Investment Limited v Reid, 2026 ONLTB 28346

Date: 2026-04-08

File Numbers: LTB-L-105725-25-SA-RV/ LTB-L-013789-26-SA/ LTB-L-018262-26

In the matter of: 104, 2559 BLOOR ST W
TORONTO ON M6S1S2

Between: EM Canada Investment Limited Landlord

And

Todd Reid Tenant

In Board file LTB-L-105725-25 EM Canada Investment Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Todd Reid (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 June 13, 2025 with respect to application LTB-L-014660-25.

The Landlord's application was resolved by order LTB-L-105725-25, issued on January 6, 2026. This order was issued without a hearing being held. The Tenant then filed a motion to set aside order LTB-L-105725-25. The Tenant's motion was resolved by order LTB-L-105725-25-SA issued on February 11, 2026.

On March 2, 2026, the Landlord filed a request for review of order LTB-L-105725-25-SA issued on February 11, 2026.

Then in Board file LTB-L-013789-26 the Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not meet a condition specified in order LTB-L-105725-25-SA issued by the Board on February 11, 2026.

The Landlord's application was resolved by order LTB-L-013789-26, issued on February 17, 2026. This order was issued without a hearing being held. On February 26, 2026, the Tenant filed a motion to set aside order LTB-L-013789-26.

The Landlord's request to review order LTB-L-105725-25-SA issued on February 11, 2026, and the Tenant's motion to set aside order LTB-L-013789-26, issued on February 17, 2026, were heard by videoconference on March 26, 2026, and April 2, 2026.

Only the Landlord's representative, Bill Burd, the Landlord's agent, Dion Bowman, and the Landlord's witness, Joni Blanshard, attended the hearing.

Determinations:

1. The Landlord's request to review LTB-L-105725-25-SA issued on February 11, 2026, and the Tenant's motion to set aside order LTB-L-013789-26, issued on February 17, 2026, initially came before the Board together on March 26, 2026. The Tenant was not in attendance but had loaded a message into Tribunals Ontario's Portal ('TOP') stating he would not be attending the hearing that day due to the death of a relative. As a result, and with the consent of the Landlord, I adjourned the hearing for one week.
2. The Board's records show that on March 27, 2026, a Notice of Hearing for both matters was issued and served on both parties by the Board via e-mail. The Landlord advises that it also e-mailed the Tenant on March 26, 2026, to advise him of the one week adjournment and the Landlord received a read receipt in reply.
3. At the hearing of April 2, 2026, when the Tenant failed to appear by the scheduled start time of 1 p.m., out of an abundance of caution, I stood the hearing down until 1:15 p.m. When the Tenant was still not in attendance at 1:15 p.m. the hearing continued without him. I am satisfied the Tenant was properly served with notice of the hearing.

The request to review LTB-L-105725-25-SA issued on February 11, 2026

4. By way of background, these files originally started with an L1 application for arrears of rent and eviction contained in Board file LTB-L-014660-25. When that application came before the Board on June 5, 2025, the Tenant and the then landlord entered into Board facilitated mediation that resulted in a consent order issued on June 13, 2025. The consent order set out a repayment plan that was subject to s. 78 of the *Residential Tenancies Act, 2006* (the 'Act').
5. After that, and on or about November 28, 2025, the property was sold to the current Landlord.
6. On December 15, 2025, the Landlord filed an L4 application in Board file LTB-L-105725-25 alleging the Tenant had breached the repayment plan contained in order LTB-L-014660-25. That application resulted in order LTB-L-105725-25 being issued on January 6, 2026, without a hearing. It cancelled the original repayment plan, evicted the Tenant and ordered the Tenant to pay arrears of rent owing and daily compensation until vacant possession was returned to the Landlord.
7. The Tenant filed a set aside motion of that eviction order. Following a hearing of the set aside motion, the Board issued order LTB-L-105725-25-SA on February 11, 2026. That order grants the Tenant's set aside motion, cancels the eviction order LTB-L-105725-25 issued on January 6, 2026, and sets out a new repayment plan subsection to s. 78 of the Act.
8. The Landlord seeks review of that order on the basis that the repayment plan does not include all of the rent arrears owing.

9. From a review of the record, it appears the Board's new repayment plan only covers the rent arrears owing for the period starting December 1, 2025. As the original repayment plan was cancelled by the *ex parte* eviction order LTB-L-105725-25 issued on January 6, 2026, the order under review leaves the Landlord without a mechanism to recover the arrears owing for the period prior to November 30, 2025. That is clearly a serious error as any new repayment plan should have included all of the rent arrears owing up to the date of the hearing of the Tenant's first set aside motion.
10. As a result, the Landlord's request to review order LTB-L-105725-25-SA issued on February 11, 2026, is granted and the order is cancelled.
11. That means the Tenant's set aside motion of the *ex parte* eviction order LTB-L-105725-25 issued on January 6, 2026, needs to be addressed anew.
12. As the Tenant failed to attend the hearings held on March 26 and April 2, 2026, I am satisfied he has abandoned his motion, and it shall be dismissed accordingly. That means that order LTB-L-105725-25 issued on January 6, 2026, is in full force and effect.

The Tenant's motion to set aside order LTB-L-013789-26, issued on February 17, 2026

13. After the Board issued the new repayment plan in Board order LTB-L-105725-25-SA, the Tenant breached that order by failing to make any of the payments due under it. As a result, the Landlord filed the L4 application contained in Board file LTB-L-013789-26, another *ex parte* eviction order was issued, and the Tenant filed another set aside.
14. The Tenant's motion to set aside order LTB-L-013789-26, issued on February 17, 2026, is granted because that order is based on the prior order LTB-L-105725-25-SA and that order was cancelled above as a result of the Landlord's successful request for review. In other words, the alleged breach of the prior order that is the basis of the application in Board file LTB-L-013789-26 is no longer a breach of a prior Board order, as that order no longer exists.
15. So order LTB-L-013789-26, issued on February 17, 2026, is cancelled and the L4 application contained in Board file order LTB-L-013789-26 is dismissed.

The Landlord's L1 Application in Board File LTB-L-018262-26

16. In the meantime, the Landlord has filed a new L1 application for eviction for non-payment of rent. As a result of all of the above, that application is now duplicative as Board order LTB-L-105725-25 issued on January 6, 2026, is no longer cancelled and it grants eviction and all of the rent arrears owing as well as daily compensation up until vacant possession is returned to the Landlord.
17. As a result, the Landlord asks that the application in Board file LTB-L-018262-26 be dismissed as withdrawn, a request that I granted. The hearing scheduled on May 6, 2026, with respect to the application in file LTB-L-018262-26 shall be cancelled.
18. This order contains all of the reasons for my decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's request to review order LTB-L-105725-25-SA issued on February 11, 2026, is granted.
2. Order LTB-L-105725-25-SA issued on February 11, 2026, is cancelled.
3. The Tenant's motion to set aside order LTB-L-105725-25, issued on January 6, 2026, is denied.
4. Order LTB-L-105725-25, issued on January 6, 2026, is in full force and effect and is unchanged. Any stay is lifted immediately.
5. The Tenant's motion to set aside order LTB-L-013789-26, issued on February 17, 2026, is granted.
6. Order LTB-L-013789-26, issued on February 17, 2026, is set aside and cannot be enforced.
7. The application contained in Board file LTB-L-013789-26 is dismissed.
8. The application contained in Board file LTB-L-018262-26 is dismissed as withdrawn.
9. The hearing scheduled on May 6, 2026, for the application contained in Board file LTB-L-018262-26 is cancelled.

April 8, 2026
Date Issued

Ruth Carey
Vice Chair, Landlord and Tenant Board

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