



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

File Number: LTB-L-018232-26-SA

In the matter of: Unit 3, 1740 WILSON AVE
NORTH YORK ON M3L1A8

Between: Pham Thi Dung Landlord

And

Nicodemo Cinerari Tenant

Pham Thi Dung (the 'Landlord') applied for an order to terminate the tenancy and evict Nicodemo Cinerari (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 November 12, 2025 with respect to application LTB-L-043885-25.

The Landlord's application was resolved by order LTB-L-018232-26, issued on March 6, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-018232-26.

This motion was heard by videoconference on April 9, 2026.

The Landlord's legal representative, Luminita E. Ambrono, the Landlord's agent and property manager, Vicky Pham, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant agrees that they failed to meet a condition specified in the order issued by the LTB on November 12, 2025 with respect to application LTB-L-043885-25.
2. The Tenant failed to pay the February 2026 rent on or by February 1, 2026. The Tenant paid the February rent on February 2, 2026.
3. After the breach, the Tenant further failed to pay the March rent on or by March 1, 2026. This rent was also paid a day late.
4. The Tenant had paid the rent on time prior to February including paying the December and January rent in full and on time.

5. The Tenant failed to pay the February and March rent on time due to late payments from their clients which caused a delay in their payment to the Landlord. They indicated that they now have a plan in place to borrow any necessary funds from family to ensure payments are made in full and on time going forward. The Tenant has lived in the unit for approximately 16 years, and they have partial custody of their son. If they have to move out, then they will not have a place to go and they may lose their access to their son which would have a negative impact on them both. Additionally, if the Tenant has no place to live, then they will likely also lose the clientele they have built with their tradesperson job doing local painting and hardwood flooring installation.
6. The Landlord did not personally attend the hearing to make submission or provide any documentary evidence supporting any financial insecurity or threats of mortgage default or for other bills they could not pay on the basis that the Tenant was a late on either the February or March rent payments.
7. The Landlord's property manager submits that they may not have a job if the Tenant does not pay and this causes her extra anxiety and stress.
8. Based on the evidence and submissions of both parties, I find that it would be more prejudicial to evict the Tenant from their long-standing tenancy in a place close to their employment opportunities and their son, than it would be for the Landlord to have received the rent late on two occasions since the consent order was issued on November 12, 2025 based on the October 6, 2025 hearing.
9. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-018232-26 and to impose another order for the Tenant to pay their rent in full and on time. In order to reduce prejudice to the Landlord, I find that granting an extension on the original order to April 1, 2027 is appropriate.
10. An oral decision was given at the hearing and this order reflect my decision.

It is ordered that:

1. The motion to set aside Order LTB-L-018232-26, issued on March 6, 2026, is granted.
2. The previous order issued on November 12, 2025 with respect to LTB-L-043885-25 is amended as follows:
3. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
4. The Tenant shall pay to the Landlord their lawful monthly rent on or by the first day (*not* the first business day) of each month for a period of at least twelve (12) consecutive months starting May 1, 2026 and continuing thereafter up to and including to April 1, 2027.
5. If the Tenant fails to comply with the conditions set out in paragraph 4 of this order, then the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make this application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

April 13, 2026
Date Issued

Terri van Huisstede
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.