



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

File Number: LTB-L-014248-26-SA

In the matter of: 45 BAYVIEW DR
BARRIE ON L4N3N8

Between: Sangyoung Lee Landlord
In Benjamin Lee

And

Cinzia Giordano Tenant
Christopher L Hobbs

Sangyoung Lee and In Benjamin Lee (the 'Landlord') applied for an order to terminate the tenancy and evict Cinzia Giordano and Christopher L Hobbs (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 December 3, 2025 with respect to application LTB-L-078436-25.

The Landlord's application was resolved by order LTB-L-014248-26, issued on February 23, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-014248-26.

This motion was heard by videoconference on April 7, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant failed to meet a condition specified in the order issued by the LTB on December 3, 2025 with respect to application LTB-L-078436-25. The Tenant was required to pay the rent in full and on time by the 15th of each month but paid the February rent late on February 16, 2026.
2. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-014248-26. The Tenant didn't believe the payment on the 16th would be a problem because the 15th was a Sunday and the 16th was a holiday, so the rent was paid before the next business day after the 15th. The Tenant also points out that the Landlord did have a post-dated cheque in their possession which could have been cashed for February 15.

3. The Tenant was advised that payment is due on the 15th, and if the 15th falls on a weekend or holiday and they will be unable to make payment on the 15th, payment must be made in advance. The Tenant was advised that as the importance of payment by the 15th has been confirmed, they are unlikely to receive further relief in the event of a future breach.

It is ordered that:

1. The motion to set aside Order LTB-L-014248-26, issued on February 23, 2026, is granted.
2. Order LTB-L-014248-26, issued on February 23, 2026, is set aside and cannot be enforced.

April 16, 2026
Date Issued

Dawn Carr
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.