



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

Citation: Live Well Property Management Ltd. v Foster, 2026 ONLTB 30647

Date: 2026-04-15

File Number: LTB-L-104425-25-SA

In the matter of: 702, 150 SANFORD AVE N
HAMILTON ON L8L5Z6

Between: Live Well Property Management Ltd. Landlord

And

Kevin Foster Tenant

Live Well Property Management Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Kevin Foster (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 November 18, 2025 with respect to application LTB-L-056104-25-RV.

The Landlord's application was resolved by order LTB-L-104425-25, issued on December 29, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-104425-25.

This motion was heard by videoconference on February 11, 2026.

The Landlord's agent, J. Goldshtein, the Landlord's legal representative, C. Daniel, and the Tenant attended the hearing.

Determinations:

1. The Landlord filed their L4 application alleging that the Tenant failed to pay the December 2025 rent in full and on time.
2. The Tenant alleges that they paid the rent on December 1, 2025, but there was a glitch. The Tenant said that although he paid it on the first, it came out on the third of the month and that made the payment go NSF. He said that he eventually ensured the Landlord received the December rent as soon as possible.
3. The Tenant said that he did not pay the February 2026, rent because he had received the eviction order by that time. However, he said that he is fully able to pay the February rent.

4. The Tenant said that the rent is not coming out of his account on the day that he pays it. He said that he has been a Tenant for 8 or 9 years, and he is able to pay the rent going forward. He said that he lives in the rental unit with his six year old son, and his income is \$3,200.00 per month before tax. Although the rent is over half of his take-home pay, the Tenant says that he has few major expenses, and he frequents food banks to ensure that he can pay all his monthly expenses.
5. The Tenant submits that he is fully able to comply with the payment plan going forward.
6. The Landlord's agent, J. Goldshtein (JG) said that the Landlord has had to go to the Board at least twice in the last few years because of the Tenant's non-payment or late payment.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-104425-25, issued on December 29, 2025, for the following reasons. The parties consented to a payment plan at a review hearing in November 2025, and the Tenant almost immediately breached the consent order. The documentary evidence shows that the Tenant paid the rent on December 1, 2025, but it went NSF. He did not make full payment of the rent until December 10, 2025. Although he paid the rent in January 2026, he did not pay the rent in February 2026, after he had already breached the payment plan in December 2025. The Tenant has made only one of the arrears payments since the consent order in November 2025, and he failed to pay a large lump sum of \$4,000.00 towards the arrears in December that he had consented to in November 2025. The Tenant's stated income is insufficient to pay the rent on time and in full going forward, let alone the arrears still owed to the Landlord. The Landlord's ledger shows that the Tenant has persistently paid the rent late for years, and in the last year the arrears accrued to over \$12,200.00. He simply has insufficient income to sustain the tenancy, and it is prejudicial to the Landlord for it to continue.
8. The Tenant has lived in the rental unit for many years, and he has a child living with him. Therefore, I find that it is not unfair to delay lifting the stay of order LTB-L-104425-25 until April 30, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-104425-25, issued on December 29, 2025, is denied.
2. The stay of order LTB-L-104425-25 is lifted on April 30, 2026.
3. Order LTB-L-104425-25 issued on December 29, 2025, is unchanged.

April 15, 2026
Date Issued

Nancy Morris
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.