



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

File Number: LTB-L-018507-26-SA

In the matter of: 5001, 38 ANNIE CRAIG DR
ETOBICOKE ON M8V0G9

Between: Jungtae Kim Landlords
So Jung Yang

And

Farishta Meenapal Tenant

Jungtae Kim and So Jung Yang (the 'Landlords') applied for an order to terminate the tenancy and evict Farishta Meenapal (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 February 9, 2026 with respect to application LTB-L-093752-25.

The Landlords' application was resolved by order LTB-L-018507-26, issued on March 6, 2026. This order was issued without a hearing being held.

On March 10, 2026, the Tenant filed a motion to set aside order LTB-L-018507-26.

This motion was heard by videoconference on April 9, 2026. Only the Landlords and the Landlord's legal representative, Alexander Chang, attended the hearing.

The Tenant signed into the hearing by video at 1:00pm requesting to speak with Tenant Duty Counsel stating that they were currently in the hospital, however, at approximately 1:30pm they dropped off the call and did not return to the hearing. The matter was stood down until 2:31pm. The Tenant did not sign back into the hearing so the motion proceeded in the absence of the Tenant.

Determinations:

1. On April 5, 2026 the Tenant sent in a request to reschedule the hearing stating they were in the hospital. They provided a generic photo of a hospital attendance on April 4, 2025 without any identifying information. They did not have the consent of the Landlords to reschedule the hearing and the request was not made at least 5 days in advance of the hearing.
2. On April 7, 2026 the LTB sent the Tenant a Request to Reschedule the Hearing form to complete with the Landlords written consent. The Tenant returned the completed form on April 7, 2026 again without the consent of the Landlords. The LTB responded that the Tenant should attend the hearing to request to adjournment on this basis.

3. After signing into the hearing, the Tenant did not request to adjourn the hearing. They requested to speak with Tenant Duty Counsel. The Tenant then left the hearing and did not return to make any adjournment request. Instead, they uploaded documentation to the portal requesting to be given until April 30, 2026 to vacate the rental unit as they found alternative housing for May 1, 2026.
4. The Landlords were advised on the Tenants request to reschedule the hearing, and they were opposed to the request on the basis that they submit that the Tenant only paid first and last month's rent and have made no other payments towards the rent ever since. They believe the motion to set-aside the exparte order is frivolous because the Tenant submitted no supporting documentation regarding their financial circumstances or any evidence regarding why they missed any of the required payments under their original order. Also, because the original order was not on consent and it was an order whereby the Tenant was already given discretionary relief based on their circumstances.
5. The Landlords submit that they are struggling to meet their financial obligations and the Tenants failure to pay any rent at all without supporting evidence is grossly prejudicial to them because they have had to borrow money from other sources to meet their own financial obligations for their family without any viable plan by the Tenant.
6. Since the Tenant did not appear at the hearing to support their motion, I find that this motion has been abandoned.
7. The Tenant did not attend the motion hearing to make submissions warranting an additional delay in granting their motion or lifting the stay of the order. The Tenants documentary request to delay the lifting of the stay was considered, however, I find the prejudice to the Landlord in delaying the lifting of the stay based on the Tenants current arrears balance with no mention on how they intend on paying the Landlords back is unfair under all of the circumstances. The enforcement of the order is likely to take them beyond the May 1, 2026 date requested by the Tenant which is going to cause further prejudice to the Landlords.
8. Accordingly, the stay of order LTB-L-018507-26 is lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-018507-26, issued on March 6, 2026, is denied. The order is unchanged.
2. The stay of order LTB-L-018507-26 is lifted immediately.

April 16, 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.