



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

File Number: LTB-L-010426-26-SA

In the matter of: unit 2, 279 DARLING ST
BRANTFORD ON N3S3X7

Between: JKole Properties LTD Landlord

And

Haley Rose Tenants
Edward Gillespie
Shadow Moore

JKole Properties LTD (the 'Landlord') applied for an order to terminate the tenancy and evict Haley Rose, Edward Gillespie and Shadow Moore (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on April 24, 2025 with respect to application LTB-L-004568-25.

The Landlord's application was resolved by order LTB-L-010426-26, issued on February 9, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-010426-26.

This motion was heard by videoconference on March 10, 2026.

The Landlord's Agent Justin Kole, and the Tenant, Haley Rose, attended the hearing. Haley Rose will be referred to as the Tenant singular in the order below.

Determinations:

Breach of the previous order

1. The Tenants failed to meet a condition specified in the order issued by the LTB on April 24, 2025 with respect to application LTB-L-004568-25.
2. The Tenants failed to pay the lawful monthly rent in full due on February 1, 2026.

The surrounding circumstances

3. It appears that the Tenants, Edward Gillespie and Shadow Moore, had already vacated the rental unit. They moved out after the L1 application was filed and are therefore still proper parties to the application.
4. The Tenant, Haley Rose, the only remaining Tenant in the rental unit, submitted that she had issues with Ontario Works, and as such, she was unable to keep up with the ordered payments of rent arrears and new rent payments as they came due. The Tenant requested more time to find alternate accommodation, as she has two children with disabilities and will require extra time to find alternate housing.
5. The Landlord's Agent stated that the Tenants have been in breach of the order LTB-L-004568-25 issued on April 24, 2025 at least since December 2025; however, he did not file the L4 application until the breach in February 2026, giving the Tenants more time to comply. It appears, however, that the Tenants are unable or unwilling to meet their rent payment obligations. In addition to the arrears of rent, the Tenants owe the Landlord payment for the water bill for at least one year. At the time of the hearing it was about \$481.00.
6. After the hearing, but before this order was issued, the Landlord filed post hearing submissions stating that the last Tenant vacated the rental unit on April 1, 2026; however, the Tenants still owe rent, the water bill and caused undue damage to the rental unit.
7. After considering all of the circumstances, and the fact that the Tenants moved out of the rental unit, I find that it would be unfair to set aside order LTB-L-010426-26. As such, the Tenants' notion shall be denied.
8. The tenancy has been terminated by order LTB-L-010426-26, issued on February 9, 2026. The order also directs that the Tenants pay the Landlord compensation for the use and occupation of the rental unit until they move out, that is April 1, 2026.
9. The LTB cannot order compensation for the alleged damage to the rental unit or for the unpaid water bill in this application. The Landlord may file a separate application with the LTB for undue damage and unpaid utilities.

The stay is lifted immediately

10. The stay of order LTB-L-010426-26 is lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-010426-26, issued on February 9, 2026, is denied.
2. The stay of order LTB-L-010426-26 is lifted immediately.
3. Order LTB-L-010426-26 is unchanged.

April 22, 2026
Date Issued

Jana Rozehnal
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.