



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

Citation: Kwak v Horoszko, 2026 ONLTB 33373

Date: 2026-04-28

File Number: LTB-L-002043-26-SA

In the matter of: 4008, 20 SHORE BREEZE DR
ETOBICOKE ON M8V0C7

Between: Zofia Kwak Landlord

And

John Nikola Horoszko Tenants
John Stefan Horoszko

Zofia Kwak (the 'Landlord') applied for an order to terminate the tenancy and evict John Nikola Horoszko and John Stefan Horoszko (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 October 14, 2025 with respect to application LTB-L-063953-25.

The Landlord's application was resolved by order LTB-L-002043-26, issued on January 14, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-002043-26.

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

The Landlord, the Landlord's legal representative, A. Czajkowski, and the Tenant, J.N. Horoszko, attended the hearing.

Determinations:

1. The parties consented to a payment plan order in October 2025. The Landlord filed their L4 application alleging that the Tenants failed to pay the December 2025 rent payment and the arrears payment in full.
2. The Tenant, J.N. Horoszko (JNH) entered the lease agreement with his son as a co-Tenant. He said that his son moved out of the rental unit in the summer of 2025. JNH admits the breach, and he said that since December 2025, he has made partial rent payments in January and February 2026, and he has made no arrears payments. JNH said that he agreed to the payment plan in October 2025 because he is working hard just

“trying to survive” and he hoped it would work. He said that he works in the film industry and it mostly shuts down in December. He said that his current income is about \$6,000.00 per month after tax. He said that he is currently working on a contract that runs to March 2026, and that contract started in mid-January 2026. The Tenants started the tenancy in September 2024. JNH said that he is looking for an alternative place to stay, and he said that he would vacate by April 1, 2026.

3. The Landlord said that the Tenants have paid the rent late since the beginning of the tenancy, and they now owe over \$10,000.00 in arrears. She said that there have been a few payments that went NSF. The Landlord said that it is very prejudicial to her to maintain the tenancy because she has to continue working, despite her age, in order to make the maintenance payments on the residential complex.
4. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-002043-26 issued on January 14, 2026, for the following reasons.
5. The tenancy is not lengthy, less than two years, and the Tenants are in arrears of over \$10,000.00 and the arrears continue to rise each month. The Tenants entered into a consent payment plan in October 2025, and they never made any of the agreed payments in full and on time. The Landlord filed an application based on the breach in December 2025, and the Tenants continued to breach the consent order, failing to pay even the rent in full. Although JNH said he has been working almost a month at the time of the hearing, he failed to pay even the monthly rent in full since he started working. The arrears are substantial and increasing each month, and there is no credible evidence that the Tenants can pay the rent in full and on time going forward. I find that it is prejudicial to the Landlord for the tenancy to continue.
6. The Tenant said that he would vacate by the beginning of April 2026, so the stay of order LTB-L-002043-26 is lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-002043-26, issued on January 14, 2026, is denied.
2. The stay of order LTB-L-002043-26 issued on January 14, 2026, is lifted immediately.
3. Order LTB-L-002043-26 is unchanged.

April 28, 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.