



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

File Number: LTB-L-021743-26-SA

In the matter of: Main Floor, 28 HOVE ST
North York ON M3H4Y9

Between: Matthew Elfassy Landlord

And

Imre (Jimmy) Ruszo Tenant

Matthew Elfassy (the 'Landlord') applied for an order to terminate the tenancy and evict Imre (Jimmy) Ruszo (the 'Tenant') because the Tenant did not meet a condition specified in the mediated settlement signed by the parties on November 24, 2025 with respect to application LTB-L-078077-25.

The Landlord's application was resolved by order LTB-L-021743-26, issued on March 16, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-021743-26.

This motion was heard by videoconference on April 22, 2026. The Landlord and the Tenant attended the hearing.

Determinations:

1. With the assistance of a Board Dispute Resolution Officer, the Tenant agreed he owed the Landlord \$3,483.15 in out-of-pocket expenses. The Tenant was ordered to pay the Landlord the full amount in four installments. The last installment was to be a \$484.15 payment on or before February 28, 2026. The Tenant failed to make the payment and as of the date of this hearing the payment has not been made.
2. In addition, the Tenant was also ordered to pay his portion for the utility bills in full and on time. Including the unpaid out-of-pocket expenses, the unpaid utility charges have caused the amount the Tenant owes the Landlord to increase to \$1,683.55.
3. the Tenant's explanation for the missed payments is that he forgets to pay. The Tenant also testified that he is prepared to pay the Landlord the outstanding balance.
4. After the Tenant failed to pay the final installment of \$484.15 on or before February 28th, the Landlord filed the L4 application on March 10th. On March 16th the Board issued the

eviction order without a hearing. On March 18th the Tenant filed a set aside motion stating that the \$484.15 had been paid in full. The Tenant also stated that he was addressing the obligation for utilities costs.

5. Considering the fact that the Tenant testified he is prepared to pay the entire \$1,683.55 on the day of this hearing, I find it would not be unfair to provide the Tenant with one last opportunity to preserve this tenancy, despite the repeated missed and late payments. Should the Tenant miss future payments, the Tenant is advised that future relief from eviction may not be successful. In addition, considering the Tenant's testimony that he would pay the entire amount owing on the day of the hearing, by the time this order is issued the entire amount should have been paid. This order will give the Tenant until April 30, 2026 to pay the balance.

It is ordered that:

1. The motion to set aside Order LTB-L-021743-26, issued on March 16, 2026, is granted.
2. Order LTB-L-021743-26, issued on March 16, 2026, is set aside and cannot be enforced.
3. Order LTB-L-078077-25 remains in effect.
4. The Tenant shall pay to the Landlord \$1,683.55 on or before April 30, 2026.
5. In the event the Tenant fails to make the above said payment in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenant, for an Order terminating the tenancy and evicting the Tenant, pursuant to Section 78 of the Residential Tenancies Act, 2006.

April 28, 2026

Date Issued

Greg Joy

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.

