



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

File Number: LTB-L-024291-26-SA

In the matter of: 433, 50 CATHCART ST
HAMILTON ON L8R3J7

Between: Equiton Residential Income Fund LP Landlord

And

Shane Allen Tenant

Equiton Residential Income Fund LP (the 'Landlord') applied for an order to terminate the tenancy and evict Shane Allen (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 19, 2026 with respect to application LTB-L-099197-25.

The Landlord's application was resolved by order LTB-L-024291-26, issued on March 23, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-024291-26.

This motion was heard by videoconference on May 4, 2026. the Landlord's representative Laveena Sansal, and the Tenant, attended the hearing.

Determinations:

1. With the assistance of a Board Dispute Resolution Officer, the parties agreed that the Tenant owed the Landlord \$6,386.88 in arrears and costs to the end of February 2026.
2. The Tenant agreed to pay rent in full and on time as well as \$1,000.00 on or before the 15th day of each month from March until the balance was paid in full. None of the arrears payments have been made and the amount the Tenant owes has increased to \$7,091.88.
3. The Tenant has lived in the rental unit for less than two years and submits that the Landlord has been before the Board two times and has entered into three repayment plans.
4. The Tenant testified that he is a carpenter and his work and income is inconsistent. The Tenant can be out of work at any time and rent cannot be paid regularly.

5. The arrears of rent are now at 4 ½ months rent and the Tenant has demonstrated that the arrears cannot be paid in a timely manner.
6. After considering all of the circumstances, including the fact that none of the required arrears payments have been made, that the amount the Tenant owes has increased, and that the Tenant does not have the income to pay rent and make payments toward the arrears of rent, I find that it would be unfair to set aside order LTB-L-024291-26.

It is ordered that:

1. The motion to set aside Order LTB-L-024291-26, issued on March 23, 2026, is denied.
2. The stay of order LTB-L-024291-26 is lifted immediately.
3. Order LTB-L-024291-26 is unchanged.

May 11, 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.

