



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

File Number: LTB-L-022283-26-SA

In the matter of: TH34, 239 JOGUES ST
SUDBURY ON P3C5P7

Between: Luxor Management Landlord

And

Joanne Boulay Tenant
Jeffrey Burton

Luxor Management (the 'Landlord') applied for an order to terminate the tenancy and evict Joanne Boulay and Jeffrey Burton (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 mediated settlement issued by the LTB on August 1, 2025 with respect to application LTB-L-037799-25.

The Landlord's application was resolved by order LTB-L-022283-26, issued on March 20, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-022283-26.

This motion was heard by videoconference on May 4, 2026.

Only the Tenants attended the hearing.

The Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

There was a breach of the previous order

1. The Tenant admits that they failed to meet a condition specified in the order issued by the LTB on August 1, 2025 with respect to application LTB-L-037799-25. Specifically, the Tenants testified that they have not made a payment to the Landlord since November 2025. The mediated settlement specifically indicates that the Tenant will pay the Landlord monthly rent on time and in full, along with arrears of \$900.00 per month during the relevant period in question before the Board.

The surrounding circumstances

2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-022283-26. The Tenants submitted that they experienced difficulty maintaining employment due to health issues however, they are currently employed on a full-time basis. When asked why they ceased making payments even after securing full-time employment, the Tenants submitted that they believed the motion “would put it all on hold.”
3. I am not satisfied with the reason provided for the Tenants’ default under the original agreement. The Tenants acknowledge that they breached the mediated settlement on multiple occasions and have not made any payments since November 2025. The Tenants made no effort to comply with the order in the last seven months.
4. Further, the Tenants provided no documentary or other supporting evidence to demonstrate an ability to make payments going forward. I am not satisfied that Tenants will be able to make payments moving forward.

The stay is lifted on May 31, 2026

5. The stay of order LTB-L-022283-26 is lifted on May 31, 2026. I find this to be appropriate as given the Tenants’ circumstances it will provide sufficient time for the Tenants to find alternative living accommodations.

It is ordered that:

1. The motion to set aside Order LTB-L-022283-26, issued on March 20, 2026, is denied.
2. The stay of order LTB-L-022283-26 is lifted May 31, 2026.
3. Order LTB-L-022283-26 is unchanged.

May 12, 2026
Date Issued

Brett Lockwood
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.