



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

Citation: Marufujjaman v Kuryliw, 2026 ONLTB 38798

Date: 2026-05-15

File Number: LTB-L-024509-26-SA

In the matter of: MAIN FLOOR, 56 THATCHER AVE
SCARBOROUGH ON M1M2M2

Between: H M Marufujjaman Landlord

And

Peter Kuryliw Tenant

H M Marufujjaman (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Kuryliw (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 March 16, 2026 with respect to application LTB-L-095241-25.

The Landlord's application was resolved by order LTB-L-024509-26, 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-024509-26.

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

The Landlord and their legal representative, Yasmin van Maurik, and the Tenant and their legal representative, Naseer Ahmed, attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenant failed to meet a condition specified in the order issued by the LTB on March 16, 2026 with respect to application LTB-L-095241-25. The amount which was supposed to be paid by March 14, 2026, was not paid until April 1, 2026.
2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-024509-26. The Tenant was aware of the terms of the settlement and the

consequences of breaching it, but chose not to pay the required amount on the required date to protest a maintenance concern. This is not an action which is permitted by the Act or condoned by the Board.

The stay is lifted on May 30, 2026

3. The stay of order LTB-L-024509-26 is lifted on May 30, 2026. The Landlord will not be significantly prejudiced by a brief delay in lifting the stay but is concerned about having possession of the unit by the originally agreed upon date of June 30, 2026 in order to begin planned renovations. The Tenant gets possession of a new rental unit on June 1, 2026. While they would prefer more time to move their possessions, they will not be severely prejudiced by a termination of the tenancy on a date which allows them to move directly into their next unit. A lifting of the stay on May 30, 2026 balances the interests of both parties.

It is ordered that:

1. The motion to set aside Order LTB-L-024509-26, issued on March 23, 2026, is denied.
2. The stay of order LTB-L-024509-26 is lifted on May 30, 2026.

May 15, 2026
Date Issued

Dawn Carr
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.