



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

File Number: LTB-L-026963-26-SA

In the matter of: 10, 16 RUSSELL ST
KINGSTON ON K7K2E4

Between: Sisopha Say Landlord

And

Nicole Doucette Tenant

Sisopha Say (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Doucette (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 11, 2026 with respect to application LTB-L-096465-25.

The Landlord's application was resolved by order LTB-L-026963-26, issued on March 30, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-026963-26.

This motion was heard by videoconference on May 14, 2026.

Only the Tenant attended the hearing.

As of **9:37am**, 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 admittedly failed to meet a condition specified in the order issued by the LTB on February 11, 2026 with respect to application LTB-L-096465-25.
2. The Tenant agrees that they failed to pay the \$200 arrears payment on the last day of February of 2026 and admit that they did not pay the rent in full and on time for tr March of 2026.

The surrounding circumstances

3. The Tenant testified that they were caring for their stepfather and their mother and that their stepfather passed away on March 16, 2026. They struggled with their passing and their mother's care.
4. However, by April 8, 2026 the Tenant paid all of the outstanding rent arrears and the April 2026 rent and then they also paid the May 2026 rent by the first of May. They no longer owe any rent money to the Landlord.
5. Since the Landlord did not attend the hearing to dispute the Tenant's motion, then it would appear as though they accept that the Tenant is no longer in arrears.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-026963-26.

It is ordered that:

1. The motion to set aside Order LTB-L-026963-26, issued on March 30, 2026, is granted.
2. Order LTB-L-026963-26, issued on March 30, 2026, is set aside and cannot be enforced.

May 19, 2026
Date Issued

Terri van Huisstede
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.