



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

File Number: LTB-L-013395-26-SA

In the matter of: 49 FAIRLEIGH AVE N
HAMILTON ON L8L6H1

Between: McGivney Community Homes Inc. Landlord

And

Sarah Garvey Tenant

McGivney Community Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Sarah Garvey (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on November 12, 2025 with respect to application LTB-L-059234-25.

The Landlord's application was resolved by order LTB-L-013395-26, issued on February 17, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-013395-26.

This motion was adjourned from March 30, 2026 at the Tenant's request and then heard by videoconference on May 14, 2026.

Only the Landlord's agent, Ken Ward, and the Landlord's legal representative, Petar Guzina, attended the hearing.

As of **1:35pm**, the Tenant 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.

Determinations:

1. Since the Tenant did not appear at the hearing to support their motion, I find that this motion has been abandoned.
2. The matter was previously adjourned on March 30, 2026 on the basis that only the Tenant's cousin had attended stating that they had Power of Attorney and the authority to act on the Tenant's behalf. When the Landlord asked for proof of the authority, they were unable to provide it to the Landlord. Accordingly, the hearing was adjourned to allow the

Tenant's cousin to provide proof of their authority. Despite this, neither the Tenant nor their cousin attended to make submissions in this respect.

3. The Landlord further submits that they have received no additional payments from the Tenant since the motion was filed on February 27, 2026.
4. On this basis I find that the stay of order LTB-L-013395-26 should be lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-013395-26, issued on February 17, 2026, is denied.
2. The stay of order LTB-L-013395-26 is lifted immediately.
3. Order LTB-L-013395-26 is unchanged.

May 20, 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.