



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

File Number: LTB-L-023812-26-SA

In the matter of: 305, 318 MALAGA RD
Oshawa ON L1J1N7

Between: 1850208 Ontario Ltd. Landlord

And

Denise Reynolds Tenant

1850208 Ontario Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Denise Reynolds (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-108171-25.

The Landlord's application was resolved by order LTB-L-023812-26, 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-023812-26.

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

The Landlord's legal representative, Denise Ranger, and the Tenant attended the hearing.

Determinations:

1. The Tenant's motion must be denied on the basis that the Tenant has already been evicted by the sheriff on April 21, 2026 based on another motion to set aside an eviction order which was denied under file LTB-L-104499-25-SA issued on February 6, 2026 involving persistent late payment of rent.
2. The Tenant's motion is moot on this basis as there is no legal authority in which the LTB can reinstate the tenancy as the Tenant requests. This is not a review of the file relating to persistent late payment of rent. Subsection 78(11) of the *Residential Tenancies Act, 2006* (the 'Act') does permit a review of another LTB order.
3. Additionally, the Tenant did in fact breach a condition in order LTB-108171-25 that was issued on March 16, 2026. They admittedly failed to pay the rent arrears of \$3,120.00 on or before March 13, 2026.

4. Even if I were to accept that the Tenant paid the outstanding amount after March 13, 2026, which they testified they did, it would ultimately be unfair to the Landlord to grant the Tenants motion on the basis that the eviction order based on persistent late payment of rent has already been enforced. There would be no way in which this order would act to reinstate a tenancy that has already been lawfully terminated by another order of the LTB.
5. At the hearing, the Landlord requested that LTB costs be ordered against the Tenant for filing a frivolous motion when they ought to have known that their motion regarding the persistent late payment of rent had already been denied pursuant to the order issued on February 6, 2026. They submit that the Tenant not only filed a frivolous motion, but it also caused the Landlord to incur additional legal expenses and wasted valuable public resources with scheduling and considering the Tenants motion.
6. The Tenant disputes having to pay costs on the basis that they were confused regarding the multiplicity of proceedings and the various LTB orders that have been issued. The Tenant genuinely does not understand how she could be evicted when she used all of the money she had to pay the Landlord the outstanding rent arrears and still got evicted. She is now essentially homeless staying in multiple cities in temporary accommodations and has lost her job.
7. Costs are discretionary. They are intended to act as a deterrent for future conduct which does include an appropriateness when a party files a frivolous application which causes an unreasonable delay or expense. However, under the circumstances outlined in the reasons the Tenant filed the motion based on their full payment to the Landlord, I do not see any ill will on the part of the Tenant and therefore I decline to apply my discretion to order LTB costs against the Tenant. Accordingly, the request for costs is denied.
8. The stay of order LTB-L-023812-26 is lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-023812-26, issued on March 30, 2026, is denied.
2. The stay of order LTB-L-023812-26 is lifted immediately.

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.