



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-009131-26-SA-RV

In the matter of: 103, 110 MASON RD
SCARBOROUGH ON M1M3V2

Between: Bruckland Foundation Landlord

And

Sherika Harris Tenant

Review Order

Bruckland Foundation (the 'Landlord') applied for an order to terminate the tenancy and evict Sherika Harris (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on September 2, 2025 with respect to application LTB-L-027223-25.

This application was resolved by order LTB-L-009131-26-SA issued on March 23, 2026.

On March 23, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 23, 2026 interim order LTB-L-009131-26-RV-IN was issued, staying the order issued on March 23, 2026.

This application was heard by videoconference on May 12, 2026.

The Landlord's legal representative Sabrina Marchionne and the Tenant attended the hearing.

Determinations:

Request for Review

1. The Tenant filed a Request for Review alleging they were unable to reasonably participate at the original hearing date.
2. The Tenant testified that she had intended to participate however she mis-diarized the date. After realizing she missed the hearing date, she filed her review the same date as the order.
3. In *King-Winton v. Doverhold Investments Ltd.*, [2008 CanLII 60708](#) ('*King-Winton*'), the Divisional Court held that "being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." Another consideration in *King-*

Winton was that the tenant in that case had demonstrated an intention to pursue the proceedings.

4. On the basis of the submissions made in the request, I am satisfied that the Tenant was not reasonably able to participate in the proceeding. It is clear that the Tenant always intended to participate, having shown an intention to be involved in prior proceedings. As a result, the review was granted.

Set Aside Motion

5. The ex parte order issued February 6, 2026 terminated the tenancy on the basis that the Tenant failed to pay the rent due on January 1, 2026. The Tenant does not dispute that this payment was missed.
6. The Tenant subsequently also failed to pay the rent due on February 1, 2026. Furthermore, rent for March 2026 was received by the Landlord on March 2, 2026. Rent for April 2026 was received on April 1, 2026, and rent for May 2026 was received on May 4, 2026.
7. The evidence presented at the hearing establishes a clear pattern demonstrating that the Tenant is unable to pay rent as it becomes due. Despite an order issued in LTB-L-027223-25 on September 2, 2025 requiring the Tenant to pay rent in full and on time, the Tenant has failed to do so on 18 of the last 19 occasions. This pattern is consistent and unmistakable.
8. The Tenant has resided in the rental unit for approximately 12 years and lives with two children, aged 12 and 16. She testified that she receives financial assistance near the end of each month, which makes it difficult to pay rent on the first day of the month. The Tenant further testified that, on occasion, she has prioritized other financial obligations over rent payments.
9. Having regard to all of the circumstances, I am not satisfied that it would be fair to set aside the ex parte order issued on February 6, 2026. I am not persuaded that the Tenant will comply, on a go-forward basis, with the September 2, 2025 order requiring timely and full rent payments. As a result, the Tenant's set aside motion is denied.
10. In light of the Tenant's submissions, I find it appropriate to lift the stay of order LTB-L-009131-26 on June 30, 2026. This provides the Tenant with sufficient time to secure alternative accommodation.

It is ordered that:

1. The request to review order LTB-L-009131-26-SA issued on March 23, 2026 is granted. The order is cancelled and replaced with the following.
2. The interim order issued on March 23, 2026 is cancelled.
3. The Tenant's set aside motion is denied.

4. The stay of LTB-L-009131-26-EX is lifted on June 30, 2026.

May 19, 2026
Date Issued

Brett Lockwood
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.