



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

File Number: LTB-L-028507-26-SA

In the matter of: 109, 90 LITTLE AVE
BARRIE ON L4N7P9

Between: Barrie Municipal Non-Profit Housing Landlord

And

Jordan Newell Tenant

Barrie Municipal Non-Profit Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Jordan Newell (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 19, 2026 with respect to application LTB-L-011677-26-SA.

The Landlord's application was resolved by order LTB-L-028507-26, issued on April 7, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-028507-26.

This motion was heard by videoconference on May 25, 2026.

The Landlord's Agent, Soula White, and the Tenant attended the hearing.

Determinations:

1. There is no dispute that the Tenant breached the order dated March 19, 2026 because he failed to pay the Landlord an arrears payment of \$3,000.00 on March 27, 2026.
2. As I am satisfied that the Tenant breached the previous order, the next issue before me is whether it would be unfair in all the circumstances to grant the Tenant's motion to set aside the eviction order. For the following reasons, I find that it would be unfair to grant the Tenant's motion.
3. The arrears set out in order LTB-L-011677-26-SA were \$5,173.00 for the period ending March 31, 2026 and costs. The Tenant has not made any payments towards the arrears and has not paid his monthly rent for April and May 2026.
4. The Tenant testified that he consented to the previous order on the basis that he was expecting a tax refund, which he ultimately did not receive. He is currently receiving OW

benefits of \$730.00 per month and stated that he has been looking for work without much success.

5. The Landlord opposed the motion, submitting that this is the second set-aside motion the Tenant has filed and that the Tenant's financial situation has worsened since the previous order was issued. Based on the current circumstances and the fact that the Tenant's income is \$345.00/month less than his monthly rent, I am of the view that the tenancy is not viable and it would be unfair to set aside the eviction order. As such, the Tenant's motion is denied.
6. As I am denying the Tenant's motion, the next issue before me is when to lift the stay. The Landlord is asking that the stay be lifted immediately. The Tenant is requesting a delay of 60 days. For the following reasons, I find that the stay should be lifted immediately.
7. I say this because I am satisfied that the Tenant has had ample opportunity to seek out new accommodations. The original order in this matter came about through a mediated settlement on November 17, 2025 and the arrears have continued to increase since then, with no apparent solution in sight. Any additional delay will only increase the financial prejudice to the Landlord. For these reasons the stay must be lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-028507-26, issued on April 7, 2026, is denied.
2. The stay of order LTB-L-028507-26 is lifted immediately.
3. Order LTB-L-028507-26 is unchanged.

May 28, 2026
Date Issued

Curtis Smith
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.