



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

File Number: LTB-L-017426-26-SA

In the matter of: 905, 77 ST CLAIR AVE E
TORONTO ON M4T1M5

Between: 1212763 Ontario Limited Landlord

And

Chimwemwe Omar Alao Tenant

1212763 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Chimwemwe Omar Alao (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 June 6, 2025 with respect to application LTB-L013150-25.

The Landlord's application was resolved by order LTB-L-017426-26, issued on March 3, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-017426-26.

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

The Landlord's Agent, Selina Wong, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenant failed to meet a condition specified in the order issued by the LTB on June 6, 2025 with respect to application LTB-L013150-25. Specifically, the Tenant failed to pay \$700.00 towards the arrears owing on or before February 4, 2026.
2. The order provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if he failed to meet the conditions specified in the order.
3. This motion is brought pursuant to subsection 78(11) of the Act. As the Tenant acknowledges breaching the order the only issue before me is whether I am satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order.

The surrounding circumstances

4. The Tenant indicated that he wishes to preserve the tenancy. He has recently made a \$5,640.00 payment to the Landlord towards the arrears and is effectively “ahead” of the payment plan outlined in the order of June 6, 2025.
5. The Tenant submitted that he has recently started a better job and that he is more financially stable, which will allow him to complete his payment plan in a timely manner and not get in arrears again.
6. The Landlord acknowledged that the Tenant has recently made substantial payments towards the arrears, but fears that the Tenant will continue to incur NSF charges on future rent payments.
7. Given all of the above, and after considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-017426-26. The terms and conditions of the prior order issued on June 6, 2025 will remain in full force and effect until the arrears owing are completely paid.

It is ordered that:

1. The motion to set aside Order LTB-L-017426-26, issued on March 3, 2026, is granted.
2. Order LTB-L-017426-26, issued on March 3, 2026, is set aside and cannot be enforced.
3. The previous order issued on June 6, 2025 with respect to LTB-L013150-25 remains in full force and effect.

May 27, 2026
Date Issued

Curtis Smith
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.