



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

File Number: LTB-L-013367-26-SA

In the matter of: 413, 20 SEWELLS RD
SCARBOROUGH ON M1B3G5

Between: WIGWAMEN INCORPORATED Landlord

And

KELLY GRAY Tenant

WIGWAMEN INCORPORATED (the 'Landlord') applied for an order to terminate the tenancy and evict KELLY GRAY (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 December 23, 2025 with respect to application LTB-L-078364-25.

The Landlord's application was resolved by order LTB-L-013367-26, 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-013367-26.

The motion was heard by videoconference on May 26, 2026. The Landlord's legal representative, Elizaveta Povargo, the Tenant's legal representative Kyle Brooks, and the Tenant attended the hearing.

Before the start of the hearing, the parties advised that they had reached an agreement. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the motion and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

Agreed Facts:

1. The parties agreed to amend paragraph 2 of the original order LTB-L-078364-25 issued on December 23, 2025. All other terms remain unchanged, including paragraph 3 which indicates that the Landlord may apply under section 78 of the *Residential Tenancies Act*, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant if the Tenant fails to comply with a condition outlined in paragraph 2. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

On consent of the parties, it is ordered that:

1. The motion to set aside Order LTB-L-013367-26, issued on February 17, 2026, is granted.
2. Order LTB-L-013367-26, issued on February 17, 2026, is set aside and cannot be enforced.
3. The previous order issued on December 23, 2025 with respect to LTB-L-078364-25 is amended as follows:

Paragraph 2 is deleted and replaced with the following:

For the two-year period beginning May 26, 2026 and ending May 26, 2028, the Tenant shall:

- a) Not assault any person on the residential complex including but not limited to other residents, occupants, visitors and the Landlord's staff; and
 - b) Refrain from any violent behaviour including verbal or physical acts of violence towards any person on the residential complex including but not limited to other residents, occupants, visitors and the Landlord's staff.
4. The previous order is otherwise unchanged.

June 4, 2026
Date Issued

Sandra Sabourin
Hearings Officer, 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.