



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

File Number: LTB-L-009476-26-SA

In the matter of: Lower, 34 Glen Ave
Smiths Falls ON K7A1S5

Between: Michael Marshall Landlord

And

Natasha Atsma Tenant
Paul Viau

Michael Marshall (the 'Landlord') applied for an order to terminate the tenancy and evict Natasha Atsma and Paul Viau (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 May 8, 2025 with respect to application LTB-L-005877-25.

The Landlord's application was resolved by order LTB-L-009476-26, issued on February 23, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-009476-26.

This motion was heard by videoconference on April 7, 2026.

The Landlord Michael Marshall, Landlord's Legal Representative Katherine Gale, Tenant Natasha Atsma, Tenant Paul Viau, and the Tenant's Legal Representative Trish Simpson attended the hearing.

When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant at the top of the order.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet a condition specified in the order issued by the LTB on May 8, 2025 with respect to application LTB-L-005877-25. The Tenant acknowledged that the required payments were not made. The Tenant's evidence was that, after the consent order was issued, Tenant Paul Viau lost his employment and the Tenant was unable to continue making the payments required under the order.

The surrounding circumstances

2. The Tenant requested relief from eviction under subsection 78(11) of the Residential Tenancies Act, 2006. The Tenant submitted that the breach occurred because Tenant Paul Viau lost his employment after the consent order was issued, which reduced the household income and made it difficult to comply with the payment terms.
3. The Tenant also submitted that their circumstances have since improved. The Tenant testified that Paul Viau has obtained new employment, that the Tenant may receive an \$800.00 monthly housing subsidy, and that the household is now receiving kinship payments because the Tenant has taken custody of a three-year-old nephew through the Children's Aid Society. The Tenant proposed to pay the monthly rent on time, pay \$400.00 per month toward the arrears, and pay \$2,500.00 within 14 days.
4. I have considered the hardship that eviction may cause the Tenant and the children in the household. However, I am not satisfied that it would be fair to set aside order LTB-L-009476-26.
5. The arrears are substantial. The Landlord's evidence was that the arrears were \$11,524.41 as of the hearing date. The Landlord also testified that no payments were made for March 2026 or April 2026, and that the last payment received was \$150.00 on February 6, 2026. The Tenant has not made full and timely rent payments for an extended period.
6. The Tenant's proposed payment plan depends on income and subsidy amounts that were not sufficiently supported by the evidence. The Tenant did not file documentary evidence confirming Paul Viau's current employment income, the approval or start date of the housing subsidy, or the ongoing amount and availability of the kinship payments.
7. Given the significant arrears, the Tenant's payment history, and the lack of reliable evidence showing that the Tenant can comply with the proposed payment plan, I am not satisfied that the Tenant has met the burden of establishing that relief from eviction should be granted.

The stay is lifted on immediately

8. The stay of order LTB-L-009476-26 is lifted immediately. The Tenant has not established that the motion should be granted or that the stay should continue. Continuing the stay would further prejudice the Landlord given the significant arrears and the Tenant's failure to establish an ability to meet the proposed payment terms.

It is ordered that:

1. The motion to set aside Order LTB-L-009476-26, issued on February 23, 2026, is denied.
2. The stay of order LTB-L-009476-26 is lifted immediately.

3. Order LTB-L-009476-26 is unchanged.

June 3, 2026
Date Issued

Kyle Anderson
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.