



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

File Number: LTB-L-031070-26-SA-AM

In the matter of: 404, 160 WISSLER RD
WATERLOO ON N2K2T6

Between: Killam Apartment REIT Landlord

And

Kristina Desouza Tenants
Amit Desouza

This order amends the omission of the word pay in paragraph 5 as highlighted below.

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Kristina Desouza and Amit Desouza (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on November 13, 2025 with respect to application LTB-L-080384-25-SA.

The Landlord's application was resolved by order LTB-L-031070-26, issued on April 13, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-031070-26.

This motion was heard by videoconference on May 25, 2026. The Landlord's representative Gail Kukor Lang, and the Tenant Amit Desouza, who met with Duty Counsel, attended the hearing.

Determinations:

1. This is the Tenant's second set aside motion. At the set aside hearing in November 2025, the Tenants were granted relief from eviction on the condition the Tenant made payments toward the arrears of rent.
2. The Tenants owed the Landlord \$3,600.71 in arrears and costs to the end of November. The Tenants were ordered to pay rent on time as well as \$500.00 on or before the 15th day of each month.
3. The Tenants were making the payment until the Tenants' mother became ill and India which required their assistance. The unexpected costs and time away caused the Tenants to breach the conditions of the order.

4. The amount the Tenants currently owe is \$4,749.32. The Tenants combined monthly income is approximately \$6,000.00. The Tenant Amit Desouza is returning to work as a full-time cook at the golf course in June.
5. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-031070-26.
6. The Tenants were informed at the hearing about the contents of this order granting relief from eviction.

It is ordered that:

1. The motion to set aside Order LTB-L-031070-26, issued on April 13, 2026, is granted.
2. Order LTB-L-031070-26, issued on April 13, 2026, is set aside and cannot be enforced.
3. Order LTB-L-080384-25-SA is cancelled and replaced with the following:
4. The Tenants shall pay to the Landlord \$4,749.32 as follows:
 - The Tenants shall pay to the Landlord \$500.00 on or before the 15th day of each consecutive month commencing June 2026 and continuing through February 2027.
 - The Tenants shall pay to the Landlord \$249.32 on or before March 15, 2027.
5. The Tenants shall also **pay** to the Landlord the lawful rent in full and on time for each consecutive month commencing June 2026 and continuing through May 2027, or until the arrears and costs are paid in full.
6. In the event the Tenants fail to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

**Amended: June 5,
2026**

May 29, 2026

Date Issued

Greg Joy

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.