



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

File Number: LTB-L-015937-26-SA

In the matter of: 13 GROSVENOR AVE
SAULT STE. MARIE ON P6B2L8

Between: Real-Key Property Management Landlord

And

Crystal Fitzgerald Tenant

Real-Key Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Fitzgerald (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 February 5, 2026 with respect to application LTB-L-095441-25.

The Landlord's application was resolved by order LTB-L-015937-26, issued on February 27, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-015937-26.

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

Only the Tenant Crystal Fitzgerald attended the hearing.

As of 1:30 pm, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

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 February 5, 2026 with respect to application LTB-L-095441-25. The Tenant does not dispute that they breached the prior order.

The surrounding circumstances

2. The Tenant requested relief from eviction pursuant to subsection 78(11) of the Residential Tenancies Act, 2006. The Tenant testified that they are the primary caregiver for their grandson, have no alternative housing available, and are at risk of homelessness if evicted. The Tenant indicated that they have been actively searching for alternative accommodation and requested additional time to secure new housing.
3. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-015937-26. While I accept the Tenant's personal circumstances and the potential hardship associated with eviction, the Tenant did not dispute the breach and did not provide evidence of an ability to comply with the terms of the prior order or to maintain the tenancy going forward. In the absence of evidence supporting future compliance, granting relief would be prejudicial to the Landlord.
4. However, I find that some limited relief is appropriate to mitigate the immediate hardship to the Tenant and their dependant. In the circumstances, it is reasonable to allow the Tenant additional time to secure alternative accommodation.

The stay is lifted on June 30, 2026

5. The stay of order LTB-L-015937-26 is lifted on June 30, 2026. This delayed lift of the stay is granted to provide the Tenant with time to find alternative housing and make arrangements to vacate the rental unit in an orderly manner.

It is ordered that:

1. The motion to set aside Order LTB-L-015937-26, issued on February 27, 2026, is denied.
2. The stay of order LTB-L-015937-26 is lifted on June 30, 2026.
3. Order LTB-L-015937-26 is unchanged.

June 4, 2026
Date Issued

Kyle Anderson
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.