



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

File Number: LTB-L-030044-26-SA

In the matter of: 8, 352 PATRICIA AVENUE
KITCHENER ON N2M1K1

Between: GREENWIN CORP

Landlord

And

BRIANNA BLACKWELL
KATISHA BURTWISTLE

Tenant

GREENWIN CORP (the 'Landlord') applied for an order to terminate the tenancy and evict BRIANNA BLACKWELL and KATISHA BURTWISTLE (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 April 1, 2026 with respect to application LTB-L-001985-26.

The Landlord's application was resolved by order LTB-L-030044-26, issued on April 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-030044-26.

This motion was heard by videoconference on June 2, 2026.

The Landlord's legal representative Sean Beard and the Tenants attended the hearing.

Determinations:

There was a breach of the previous order

1. The original order dated April 1, 2026 requires the Tenants to follow a strict payment plan for the arrears as well as pay rent on time and in full.
2. The Landlord's L4 application alleges that the Tenants failed to pay their monthly rent for April 2026 on time and in full. Furthermore, the Landlord also declares that the Tenants did not pay \$1,500.00 towards arrears as required on or before April 3, 2026.
3. The Tenants agree that they did not pay the monthly rent on April 1, 2026 nor the arrears payment by April 3, 2026. Their position is that they did not receive the original order until April 9, 2026.

4. The original order was issued April 1, 2026 and was mailed to the Tenants the same date. It is understandable that the Tenants were unable to comply with the requirement to pay the monthly rent on time for April 1, 2026 as well as payment of \$1,500.00 towards arrears by April 3, 2026 given that the order is deemed served April 6, 2026.
5. Subsequently, once the Tenants were in possession of the original order, the Tenants admittedly continued to commit breaches. Specifically, the Tenants did not pay \$500.00 towards arrears on or before April 20, 2026, did not pay the monthly rent on May 1, 2026, nor did they pay \$500.00 towards arrears on May 20, 2026.
6. After the ex parte order was issued on April 13, 2026, the Tenants paid the Landlord \$2,100.00 on May 23, 2026 as well as \$500.00 on June 2, 2026. The Tenants testified that the May 23, 2026 payment was meant for rent due June 1, 2026 and the June 2, 2026 payment was meant for the June 20, 2026 arrears payment.
7. When asked why the Tenants did not follow through with the original order once they were in possession of it, they submitted that they believed the order was "null and void".
8. When asked if the Tenants are able to catch up the missed payments from the original order (specifically the rent for April and May 2026 as well as the arrears payments for April 3, April 20, and May 20, 2026), the Tenants indicated it was not possible at this time. The Tenants provided no evidence to support their ability to fulfil another payment plan if provided an opportunity.

The surrounding circumstances

9. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-030044-26.
10. The Tenants described their circumstances at the motion. These circumstances were accurately described in the original April 1, 2026 order and once again considered by the Board in this decision.
11. I am not satisfied that the Tenants intend (or are able) to abide by the original order as demonstrated by the continued breaches after the ex parte order was issued. While the initial breaches were justifiable, the Tenants continued to breach knowing the potential ramifications. Given the lack of commitment and inability towards catching up the missed payments on the original order, I find it would be inappropriate to set aside the ex parte order.

The stay is lifted on June 30, 2026

12. The stay of order LTB-L-030044-26 is lifted on June 30, 2026. I find this to be an appropriate date as both parties agreed on the date should the motion be denied.

It is ordered that:

1. The motion to set aside Order LTB-L-030044-26, issued on April 13, 2026, is denied.
2. The stay of order LTB-L-030044-26 is lifted June 30, 2026.

3. Order LTB-L-030044-26 is unchanged.

June 9, 2026
Date Issued

Brett Lockwood
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.