



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: CARUSO v SHELLEY, 2026 ONLTB 44639

Date: 2026-06-04

File Number: LTB-L-087701-25-RV

In the matter of: 419 WILKINS ST
LONDON ON N6C5B5

Between: JENNY CARUSO Landlord

And

AMANDA SHELLEY Tenant
KHATIB RAMZY

Review Order

JENNY CARUSO (the 'Landlord') applied for an order to terminate the tenancy and evict AMANDA SHELLEY and KHATIB RAMZY (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-087701-25 issued on February 2, 2026.

On June 3, 2026, the Tenant requested a review of the order and a request to extend time to file a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

Request to Extend

1. The request to extend time to file the review is granted, but the review is denied.

Request to Review

2. The order subject to this request for review is an order for non-payment of rent issued on February 2, 2026. The order provides that the tenancy is terminated unless the Tenant pays to the Landlord or the LTB \$12,786.00 by February 13, 2026. There is also a provision in the order for the Tenant to make a motion to void the order under section 74(11) of the *Residential Tenancies Act*, 2006 (the "Act") after February 13, 2026 but before the Sheriff enforces eviction if they pay that amount plus additional amounts that have come due after that date.

3. The Tenant's review request is made on the basis of serious error. However, the Tenant does not actually submit there is a serious error in the order. The Tenant instead submits that they filed a consumer proposal on April 23, 2026, and that this provided a stay of enforcement. The Landlord subsequently applied to (presumably) the Ontario Superior Court of Justice and obtained an order from a judge lifting the stay in respect to enforcement of eviction pursuant to the order.
4. The Tenant submits this is a serious error as the Tenant believes that the stay should not have been lifted given the language in the order regarding voiding it. This is alleging an error in the order issued by the Superior Court, of which the LTB has no jurisdiction to interfere with. Given the Tenant does not allege a serious error in the order, I find there is none.
5. I also find that this does not constitute a serious error in the proceeding. I note that the Tenant has also filed a motion to void, which was refused in an endorsement issued prior to this order on June 4, 2026, the body of which is reproduced in its entirety:

"On June 3, 2026, the Board received a motion to void order LTB-L-087701-25. The Tenant's motion is refused."

Pursuant to section 74(11) of the Residential Tenancies Act, 2006, (the 'Act'), a tenant must pay the total amount of arrears ordered plus any new rent that has come due. Instead, the Tenant has provided a Consumer Proposal. A Consumer Proposal does not meet the requirement of payment under section 74(11) of the Act because neither the Landlord, nor the LTB has received the amount required to void the order.

Pursuant to SIREG Management Inc V Goudreau, 2026 ONLTB 4637, and Paterson v. City of Oshawa, 2023 ONSC 2287 (CanLII), a bankruptcy or consumer proposal does not stay enforcement of a pre-existing eviction order. Although the Landlord's ability to pursue collection of the debt may be restricted, section 69.3 of the Bankruptcy Insolvency Act (BIA) does not stay the enforcement of an order evicting a bankrupt tenant if one has already been issued. In this circumstance, the order to evict the Tenant was issued on February 2, 2026. The Tenant's Consumer Proposal was proposed on April 23, 2026.

For this reason, the Tenant's Certificate of Filing of a Consumer Proposal pursuant to section 66.13 of the BIA is not sufficient to void this order.

Since the Tenant has not paid the Landlord or the LTB the \$21,186.00 required to void this order, and pursuant to section 74(11.1) of the Act, the Tenant's motion must be refused."

6. I adopt the reasoning contained in this endorsement that there is no abuse of process or other serious error in the proceeding by the LTB not granting a review of this order, otherwise granting a stay of its enforcement on the basis of the consumer proposal filed by the Tenant, or declaring the order to be void on the basis of that consumer proposal.

7. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-087701-25 issued on February 2, 2026 is denied. The order is confirmed and remains unchanged.

June 4, 2026
Date Issued

Benjamin Seigel
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.