



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

File Number: LTB-L-028922-26-SA

In the matter of: 31 ASHBERRY PL
ST THOMAS ON N5R0H7

Between: Rajinder Pal Landlords
Archana Pal

And

Aganetha Neufeld Tenants
Derek Daley

Rajinder Pal and Archana Pal (the 'Landlord') applied for an order to terminate the tenancy and evict Aganetha Neufeld and Derek Daley (the 'Tenants') 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 August 21, 2025 with respect to application LTB-L-045127-25.

The Landlord's application was resolved by order LTB-L-028922-26, 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-028922-26.

This motion was heard by videoconference on June 3, 2026. The Landlord, Rajinder Pal, and the Tenants attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the order issued by the LTB on August 21, 2025, with respect to application LTB-L-045127-25. The order required the Tenants to pay both the monthly rent and \$1,000.00 in arrears monthly.
2. The Tenants failed to pay the monthly rent of \$2,750.00 on March 15, 2026, and arrears of \$1,000.00 on March 31, 2026. Since then, the Tenants have not made any payments to the Landlords.
3. The Tenants testified that the payments were not made because the only Tenant who was employed was temporarily laid off at the beginning of January 2026 and did not return to work until January 21, 2026.
4. The Tenants raised concerns regarding an alleged illegal rent increase made by the Landlords in 2022, but that issue should have been argued at the original hearing on August

21, 2025. Instead, at that hearing, the Tenants voluntarily entered into the repayment agreement set out in order LTB-L-045127-25. The Tenants may wish to seek legal advice from Legal Aid Ontario.

5. The Tenants further stated that they have no place to go if evicted and offered to pay \$5,500.00 to the Landlords on June 20, 2026. The Tenants have a household income of approximately \$7,000.00, inclusive of the child tax benefit for their three children. From their testimony, they appeared to have prioritized other expenses.
6. The Landlord opposed the motion, stating that they are facing potential bankruptcy and foreclosure as a result of the Tenants' persistent nonpayment.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-028922-26. The purpose of an order on consent, requiring the Tenants to pay the outstanding arrears in manageable installments, is to give the Tenants a chance to remedy the harm caused by their non-payment and to preserve their tenancy.
8. However, the Tenants have failed to make every agreed upon payment since March 15, 2026. As a result, I am not satisfied that the Tenants are capable of paying both ongoing rent and arrears if a conditional order were issued.

It is ordered that:

1. The motion to set aside Order LTB-L-028922-26, issued on April 13, 2026, is denied. The order is confirmed and remains unchanged.
2. The stay of order LTB-L-028922-26 is lifted on July 3, 2026.

June 8, 2026
Date Issued

Jitewa Edu
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.