



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

File Number: LTB-L-028626-26-SA

In the matter of: 85, 3438 GARRARD RD
WHITBY ON L1R2C4

Between: DURHAM REGION NON-PROFIT HOUSING CORPORATION Landlord

And

ARIAN PAYIND Tenant

DURHAM REGION NON-PROFIT HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict ARIAN PAYIND (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 11, 2026 with respect to application LTB-L-100500-25.

The Landlord's application was resolved by order LTB-L-028626-26, issued on April 17, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-028626-26.

This motion was heard by videoconference on June 4, 2026. The Landlord's representative Arlene Herscheid, and the Tenant, attended the hearing.

Determinations:

1. The Tenant owed the Landlord \$7,592.78 in arrears and costs to the end of February 2026. With the assistance of a Board Dispute Resolution Officer, the Tenant agreed to pay rent in full and on time as well as \$760.00 on or before the 25th day of each month from March until the arrears were paid in full.
2. The amount the Tenant owes the Landlord has increased to \$11,656.78. The only payments the Tenant has made to the Landlord since the hearing in February was rent for March, which was not paid until March 17th, and a \$760.00 payment on April 7th, which would be for the arrears payment that was due in March.
3. The Tenant testified that he lost his job. The Tenant's testimony is that he lost his job at the end of March for approximately one week, which does not demonstrate why the Tenant breached several conditions of the order and has not made a payment in two months. The arrears of rent have now increased to more than seven months in a two-year tenancy.

4. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-028626-26.

It is ordered that:

1. The motion to set aside Order LTB-L-028626-26, issued on April 17, 2026, is denied.
2. The stay of order LTB-L-028626-26 is lifted immediately.
3. Order LTB-L-028626-26 is unchanged.

June 10, 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.