



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

File Number: LTB-L-028797-26-SA

In the matter of: 401, 625 EVANS AVE
ETOBICOKE ON M8W2W5

Between: CAPREIT LIMITED PARTNERSHIP Landlord

And

LORNE MOSCOVITCH Tenants
CATHERINE COX

CAPREIT LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict LORNE MOSCOVITCH and CATHERINE COX (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on February 26, 2026 with respect to application LTB-L-098288-25-SA.

The Landlord's application was resolved by order LTB-L-028797-26, issued on April 17, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-028797-26.

This motion was heard by videoconference on June 4, 2026. The Landlord's representative Jason Paine, and the Tenants, who met with Duty Counsel, attended the hearing.

Determinations:

1. The Tenants had previously filed a set aside motion which was heard in January 2026. At the hearing the motion was granted, and it was determined that the Tenants owed the Landlord \$13,947.56 in arrears and costs to the end of January 2026. The Tenants were to make a series of payments, including a \$5,000.00 based on the understanding the rent bank would assist. The rent bank did not provide the assistance to the Tenants.
2. At this set aside hearing, the Tenants continue to owe the Landlord \$14,312.78. Mr. Moscovitch works as a letter carrier and the strike action at Canada Post interrupted his income which also causes the Tenants to miss arrears payments.
3. Mr. Moscovitch is now working again as a letter carrier and has taken on a second job. Ms. Cox is also working part-time. The Tenants testified that they currently have \$5,000.00 to pay the Landlord toward the arrears of rent and with their income can afford to pay rent plus an additional \$1,500.00 toward arrears each month.

4. The Tenants have lived in the rental unit for 17 years. Under the circumstances, I find it fair to grant relief from eviction and I find that it would not be unfair to set aside order LTB-L-028797-26.

It is ordered that:

1. The motion to set aside Order LTB-L-028797-26, issued on April 17, 2026, is granted.
2. Order LTB-L-028797-26, issued on April 17, 2026, is set aside and cannot be enforced.
3. Order LTB-L-098288-25-SA is cancelled and replaced with the following:
4. The Tenants shall pay to the Landlord \$14,312.78 plus rent as it becomes due as follows:
 - The Tenants shall pay to the Landlord \$5,000.00 on or before June 9, 2026.
 - The Tenants shall pay to the Landlord the lawful rent plus \$1,500.00 on or before the 1st day of each consecutive month commencing July 2026 and continuing through December 2026.
 - The Tenants shall pay to the Landlord the lawful rent plus \$312.78 on or before January 1, 2027.
5. In the event the Tenants fail to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

June 11, 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.

