



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

Citation: Batoo v rosen, 2026 ONLTB 45514

Date: 2026-06-09

File Number: LTB-L-031244-26-SA

In the matter of: 472 LANSDOWNE AVE
TORONTO ON M6H3Y3

Between: Manpreet Batoo

Landlord

And

Jaime Rosen

Tenant

Manpreet Batoo (the 'Landlord') applied for an order to terminate the tenancy and evict Jaime rosen (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 mediated settlement signed by the parties on January 28, 2026 with respect to application LTB-L- 095785-25.

The Landlord's application was resolved by order LTB-L-031244-26, issued on April 14, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-031244-26.

This motion was heard by videoconference on June 1, 2026.

The Landlord, the Landlord's legal representative Rich Rye and the Tenant attended the hearing.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. It is not disputed that the Tenant failed to meet a condition specified in the mediated settlement signed by the parties on January 28, 2026 with respect to application LTB-L-095785-25.
3. The Tenant submitted that circumstantially, they have experienced reductions in self employment opportunities, specifically since a project was delayed and or may be cancelled – posing an inability to pay April rent. That while they agreed to terminate the

tenancy on consent on January 22, 2026, the prior hearing date, they now require more time than the agreed to date of May 31, 2026. The Tenant said they reside with a daughter and two cats. And while they have been working towards, and planning to move out by end of May they require additional time to June 30, 2026.

4. They seek the Board's consideration of this delay to be better prepared to move from a physical and financial perspective noting that their income has been impacted by health issues and that they have not been able to work as much.
5. The Landlord submits that they have experienced significant financial stress as a result of the Tenant's non-payment of rent. That while they have consented with the Tenant in the prior order, that it is unfair that the Tenant asks for another order with delay. They seek an immediate lifting of the stay, the current amount of rent arrears outstanding total \$15,765.68 as outlined in the updated L1/L9 form.
6. In accordance with s. 78(11) of the Act, I must consider all of the circumstances with respect to the Landlord's application and the Tenant's set aside motion. Given the evidence and submissions as before me, I find that it would be unfair to set aside order LTB-L-031244-26 as the Tenant is making plans to move and is not seeking consideration to preserve the tenancy.
7. The Tenant's motion is therefore dismissed.

Lifting of the Stay

8. Having considered the circumstances of the parties, I find that it would also be unfair to postpone the lifting of the stay on the order. I say this as while I appreciate that the Tenant has been impacted by work reductions and inability to engage in full employment based on health issues, the Tenant consented to vacate the property on May 31, 2026 in January 2026. There has been a significant passage of time since to make plans towards moving out.
9. I have also considered that the arrears are high, the Landlord submitted to having suffered financially and I find that any further delay would be prejudicially, specifically, noting that where Sheriff enforcement services are employed, this can take up to six weeks after filing based on my understanding of current experienced delays.

It is ordered that:

1. The motion to set aside Order LTB-L-031244-26, issued on April 14, 2026, is denied.
2. The stay of order LTB-L-031244-26 is lifted immediately.
3. Order LTB-L-031244-26 is unchanged.

June 9, 2026
Date Issued

Alicia Johnson
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.