



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

File Number: LTB-L-030354-26-SA

In the matter of: A, 15 ROCKWOOD DR
SCARBOROUGH ON M1M3M9

Between: Firoz Jibhai Landlord

And

Adrian Dawes Tenant

Firoz Jibhai (the 'Landlord') applied for an order to terminate the tenancy and evict Adrian Dawes (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 March 30, 2026 with respect to application LTB-L-004761.

The Landlord's application was resolved by order LTB-L-030354-26, issued on April 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-030354-26.

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

The Landlord, the Landlord's legal representative Yasmin van Maurik and the Tenant attended the hearing.

Determinations:

The Breach

1. There is no dispute that the Tenant failed to meet a condition specified in the order issued by the LTB on March 30, 2026 with respect to application LTB-L-004761.

The surrounding circumstances

2. The Tenant acknowledge that he breached the previous payment plan and stated that he takes full responsibility. That since the breach occurred in April, that his financial situation has improved as he has now started a new job for which he is currently in training and expects to receive employment income of approximately \$1,750.00 biweekly.

3. Additionally, as he is intending on attending fulltime studies commencing this summer and has been approved for OSAP funding of which \$22,697.00 is being released between July 3-6, 2026.
4. The Tenant is seeking to preserve his tenancy and stated that once he receives the OSAP funding that he is prepared to pay the Landlord a large part of the arrears or the entire amount of the arrears to date.
5. The Tenant submitted in evidence proof of the *OSAP Assessment Summary* dated March 24, 2026 DOC-7811830 in which it is outlined that the funding he has been approved for totals \$37,828.00 and is designated for the period of July 6, 2026 to March 26, 2027.
6. The *OSAP Assessment Summary* letter outlines that the Tenant's tuition cost is \$22,360.00, presumably this total can be paid over installments however the letter also outlines that the funding will only be released once the school confirms enrollment.
7. The Landlord seeks an immediate lifting of the stay of order LTB-L-030354-26, issued on April 13, 2026 as since the prior order was issued in addition the prior outstanding arrears of \$2,486.00 to March 31, 2026, the Tenant has failed to make rent payments for the months of April and May. When considering the rent for June, the Tenant owes the Landlord \$9,386.00 with the filing fee.
8. As a result, the Landlord submitted that they have been placed in a difficult financial position and that the Tenant has continued to be dishonest with them, making this tenancy no longer viable.
9. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-030354-26.
10. The Tenant submitted that as he has just started a new job, he has not yet received his first pay. There was no proof of any offer of employment nor any other documentation that would confirm the new position or corresponding wages as testified to. I also note that a large part of the OSAP funding is allocated towards tuition (\$22,360.00) and that funds are only released once enrollment is confirmed.
11. Further, the Tenant was not in a position to pay June rent, due on June 1, 2026 until later in the month or in July. By that time, July rent will also become payable and due, and should the OSAP funds be released, the release date is after July 3, 2026, which may result in additional rent arrears accruing.
12. Here, much of the Tenant's future payment plan hinges on circumstance, for the reasons outlined above, I find that it would be unfair to set aside order LTB-L-030354-26.

Lifting of the stay

13. The stay of order LTB-L-030354-26 is lifted immediately. I am mindful that given the location of the rental unit, additional delay may be encountered to enforce this order where the Office of the Sheriff Enforcement is engaged.

It is ordered that:

1. The motion to set aside Order LTB-L-030354-26, issued on April 13, 2026, is denied.
2. The stay of order LTB-L-030354-26 is lifted immediately.
3. Order LTB-L-030354-26 is unchanged.

June 16, 2026
Date Issued

Alicia Johnson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.