



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

File Number: LTB-L-030692-26-SA

In the matter of: 1105, 201 WHITE OAKS CRT
WHITBY ON L1P1A2

Between: CAPREIT LIMITED PARTNERSHIP Landlord

And

ART PURCELL Tenant

CAPREIT LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict ART PURCELL (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 December 8, 2025 with respect to application LTB-L-060632-25-SA.

The Landlord's application was resolved by order LTB-L-030692-26, 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-030692-26.

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

Determinations:

1. This is the Tenant's second set aside motion. The first motion was heard on December 4, 2025. With the assistance of a Board Dispute Resolution Officer, the parties agreed the Tenant owed the Landlord \$10,354.76 in arrears and costs to the end of December 2025.
2. The Tenant agreed to pay the Landlord \$2,300.00 on or before December 5th and \$900.00 on or before the 15th day of each month from January until the arrears were paid in full.
3. When the Landlord filed the L4 application on April 17, 2026, the amount the Tenant owed was \$8,200.18. Prior to this hearing the Landlord sent a letter to the Tenant showing that the amount the Tenant owed had increased to \$11,034.46.
4. The Landlord acknowledged that the Tenant had made additional payments and that the amount the Tenant owes was \$9,286.56 as of the date of this hearing.

5. The Tenant did not dispute this amount and provided no evidence that the amount the Landlord claimed was not correct.
6. The Tenant testified that he has the money available on VISA and needed until June 15th to pay. The parties were informed that if the Tenant paid the entire amount on or before June 15th that the set aside motion would be granted. The parties were also informed that if the payment was not made, the motion would be denied. The parties were also directed to make post-hearing submissions regarding the payment.
7. On June 16th, the Landlord provided a ledger and a letter confirming that the Tenant has made no payments. The Tenant did not provide a post-hearing submission.
8. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-030692-26.

It is ordered that:

1. The motion to set aside Order LTB-L-030692-26, issued on April 13, 2026, is denied.
2. The stay of order LTB-L-030692-26 is lifted immediately.
3. Order LTB-L-030692-26 is unchanged.

June 22, 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.

