



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

File Number: LTB-L-032382-26-SA

In the matter of: 201, 86 ELGIN ST S
CAMBRIDGE ON N1R5G5

Between: The Regional Municipality of Waterloo Landlord

And

Joanna Trecartin Tenant

The Regional Municipality of Waterloo (the 'Landlord') applied for an order to terminate the tenancy and evict Joanna Trecartin (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 24, 2026, with respect to the application LTB-L-108373-25.

The Landlord's application was resolved by the order LTB-L-032382-26, issued on April 20, 2026. This order was issued without a hearing being held.

On April 29, 2026, the Tenant filed a motion to set aside the order LTB-L-032382-26, issued on April 20, 2026.

This motion was heard by videoconference on June 15, 2026.

Only the Tenant attended the hearing.

As of 9:34am, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

The Tenant spoke to *Tenant Duty Counsel* prior to the hearing.

Determinations:

1. The Landlord had alleged that the Tenant had breached a condition specified in the order LTB-L-108373-25, issued on March 24, 2026, as they had submitted that the Tenant had failed to pay the lawful monthly rent for the rental period starting April 1, 2026, and ending April 30, 2026, on or before April 1, 2026.
2. The Tenant disputed that they failed to meet the aforementioned condition specified in the order LTB-L-108373-25, issued on March 24, 2026, as they testified that the lawful monthly

rent was in the amount of \$976.00, and that they had submitted to the Landlord a payment of \$946.00 on April 1, 2026, as it appears from a copy of the email sent by the Tenant to the Landlord on April 13, 2026 (DOC-7869881; Exhibit 1).

3. The Tenant further stated that they were contacted by an employee of the Landlord on May 4, 2026, who had confirmed to them that the Tenant had indeed abided by the conditions set out in the order LTB-L-108373-25, issued on March 24, 2026, and that the Landlord would no longer be seeking to terminate the tenancy as the rent for the rental period starting April 1, 2026, and ending April 30, 2026, had been paid by the Tenant on April 1, 2026, as it appears from a copy of the voicemail left by Linda Stone to the Tenant on May 4, 2026 (DOC-8161785; Exhibit 2).
4. On the basis of the uncontested evidence and submissions before me, I am satisfied – on a balance of probabilities – that the Tenant paid the lawful monthly rent for the rental period starting April 1, 2026, and ending April 30, 2026, on or before April 1, 2026.
5. Indeed, the Tenant's testimony was consistent and credible, and corroborated by contemporaneous documentary and audio evidence, which include the Landlord's own recognition that they had erred in seeking to terminate the tenancy on this basis. (Exhibits 1 and 2).
6. As such I find that the Tenant did not fail to meet a condition specified in the order LTB-L-108373-25, issued on March 24, 2026.
7. The Tenant should not have to bear the burden of the Landlord's administrative blunder and failure to duly account for the payments completed by the Tenant.
8. Accordingly, the Tenant's motion to set aside the order LTB-L-032382-26, issued on April 20, 2026, is granted.
9. The Tenant's request to have the repayment plan ratified through the order LTB-L-108373-25, issued on March 24, 2026, to remain in effect is also granted.
10. While the previous order LTB-L-108373-25, issued on March 24, 2026, shall remain in effect, the Landlord is cautioned that further applications of this nature¹ which seek to terminate the tenancy on the basis of false or misleading declarations, may be perceived as an abuse of the Board's process.

It is ordered that:

1. The motion to set aside the order LTB-L-032382-26, issued on April 20, 2026, is granted.
2. The order LTB-L-032382-26, issued on April 20, 2026, is set aside and cannot be enforced.

¹ Section 78 of the *Residential Tenancies Act, 2006*.

3. The previous order LTB-L-108373-25, issued on March 24, 2026, is unchanged and remains in effect.

June 18, 2026
Date Issued

Alexandre Traboulsi
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.