



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

File Number: LTB-L-034214-26-SA

In the matter of: 913 IVSBRIDGE BLVD
NEWMARKET ON L3X1L6

Between: Eric M.B. Chan Landlord

And

Maurice O'Connell Tenant

Eric M.B. Chan (the 'Landlord') applied for an order to terminate the tenancy and evict Maurice O'Connell (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 on consent issued by the LTB on April 9, 2026 with respect to application LTB-L-108567-25. (the L4 application)

The Landlord's L4 application was resolved by order LTB-L-034214-26, issued on April 24, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-034214-26. Included in the LTB notice of hearing for the motion was a stay of order LTB-L-034214.

This motion was heard by videoconference on June 9, 2026.

The Tenant and the Landlord's Legal Representative, Rong Wei Yu, attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet conditions specified in the order issued by the LTB on April 9, 2026 with respect to application LTB-L-108567-25, namely in respect of failing to pay \$5,000.00 arrears on March 25, 2026 and failing to pay monthly rent that was due on April 13, 2026.

The surrounding circumstances

2. The Tenant testified concerning the recent circumstances surrounding the breaches. The Tenant is self-employed and had completed a project (client "Sunrise Senior Living") that was paid by a U.S. cheque, requiring 15 days of "hold" until the cheque cleared. He said

he contacted the Landlord about the delay and he said the Landlord agreed to wait. The \$5,000.00 arrears payment was paid on April 21, 2026 but he has not made any other payments. The Tenant made a proposal to pay additional monies in June amounting to \$10,800.00. The Tenant stated he has three children and has kept some money back in case he is required to move.

3. On behalf of the Landlord, the legal representative submitted the arrears in the original order have increased to \$52,171.00, which are owing to June 12, 2026. He added that on June 13, 2026, another monthly rent of \$5,800.00 will become due.
4. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-034214-26. In light of the circumstances, I will order a short postponement of the lifting of the stay, that is, the stay of order LTB-L-034214-26 is to be lifted on June 30, 2026.
5. I am of the view that the Tenant appears to have good intentions to pay back what he owes, but due to the nature of his work as a roofing/construction contractor, the regularity of his income is not certain.
6. The first payment that was due under the original order on consent was not paid in full or on time. Further, the Tenant's breaches of the original order on consent have now taken the Tenant over the LTB's monetary jurisdiction, representing a significant deepening of the arrears in the short time since the order on consent issued.

It is ordered that:

1. The motion to set aside Order LTB-L-034214-26, issued on April 24, 2026, is denied.
2. The stay of Order LTB-L-034214-26 is lifted on June 30, 2026

June 23, 2026
Date Issued

Alex Brkic
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.