



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

File Number: LTB-L-041346-26-SA

In the matter of: 15, 14 ASPEN AVE
KITCHENER ON N2M3Z8

Between: Brian Gomes Landlord

And

Jan Kiprotich Tenants
Mercy Cheptoo

Brian Gomes (the 'Landlord') applied for an order to terminate the tenancy and evict Jan Kiprotich and Mercy Cheptoo (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on March 20, 2026 with respect to application LTB-L-001869-26.

The Landlord's application was resolved by order LTB-L-041346-26, issued on May 19, 2026. This order was issued without a hearing being held. The Tenants filed a motion to set aside order LTB-L-041346-26.

This motion was heard by videoconference on June 18, 2026. The Landlord's Legal Representative, P. Miller, and the Tenant, Jan Kiprotich on behalf of both Tenants, attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the order issued by the LTB on March 20, 2026, with respect to application LTB-L-001869-26.
2. The Tenants failed to pay the monthly rent of \$1,562.10, and arrears of \$500.00 on May 5, 2026.
3. The Tenant, Jan Kiprotich, testified that they have lived in the unit since 2019. They breached the order because an agency through which he obtained employment, did not keep their promise of 40 hours of work per week. He gained full time employment on April 26, 2026, and with a steady income of \$1,500.00 biweekly, he could pay the outstanding arrears.

4. The Tenant further testified that they have not paid any rent to the Landlord since February 2025. They have had to deal with other expenses such as electricity and car issues. The other Tenant is currently unemployed.
5. Despite receipt of income of \$1,500.00 on three occasions, the Tenants claimed that they did not make any payments to the Landlord because they believed that making a partial payment would be 'rude'.
6. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-041346-26. The evidence demonstrates that even with an income, the Tenants chose not to make any payments toward rent or arrears. As a result, the outstanding arrears has increased substantially from \$18,931.20 in March 2026, to \$23,617.50 for the period ending June 30, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-041346-26, issued on May 19, 2026, is denied. The order is confirmed and remains unchanged.
2. The stay of order LTB-L-041346-26 is lifted immediately.

June 23, 2026

Date Issued

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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.