



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

File Number: LTB-L-041200-26-SA

In the matter of: 1206, 192 HUGHSON ST N
HAMILTON ON L8L7Z9

Between: Hughson Apartment Joint Venture o/a Valery Properties Landlord

And

Jackline Juddy Gitau Tenant

Hughson Apartment Joint Venture o/a Valery Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Jackline Juddy Gitau (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 April 1, 2026 with respect to application LTB-L-005436-26.

The Landlord's application was resolved by order LTB-L-041200-26, issued on May 19, 2026. This order was issued without a hearing being held. The Tenant filed a motion to set aside order LTB-L-041200-26.

This motion was heard by videoconference on June 18, 2026. The Landlord's Agent, T. Novak, and the Tenant attended the hearing.

Determinations:

1. The Tenant failed to meet a condition specified in the order issued by the LTB on April 1, 2026, with respect to application LTB-L-005436-26.
2. The Tenant failed to pay arrears of \$400.00 on April 15, 2026, and the monthly rent of \$1,395.00 on May 1, 2026.
3. The Tenant testified that she failed to make the payment because she had no source of income and was forced to apply for Ontario Works benefits in May 2026. The Tenant received a partial benefit payment of \$440.00 but expects to receive the full amount of \$733.00 in the future.
4. The Tenant stated that she has since gained employment starting June 15, 2026, but provided no evidence to substantiate the claim.
5. The Tenant moved into the unit in October 2025.

6. The Landlord opposed the motion stating that at the original hearing on March 25, 2026, the Tenant obtained relief from eviction based on her claims that she was employed and able to pay ongoing rent and arrears.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-041200-26. A review of order LTB-L-005436-26 shows that the Tenant proposed a payment plan of \$400.00 monthly which was granted by the LTB. However, the Tenant failed to comply with the terms of the order. The Tenant did not pay the arrears on April 15, 2026, or the monthly rent on May 1, 2026, and it is undisputed that no further payments have been made to the Landlord. As a result, the arrears have increased substantially from \$6,161.00 in March 2026, to \$9,696.00 for the period ending June 2026.
8. The stay of order LTB-L-041200-26 is lifted on July 10, 2026.

It is ordered that:

1. The motion to set aside Order LTB-L-041200-26, issued on May 19, 2026, is denied. The order is confirmed and remains unchanged.
2. The stay of order LTB-L-041200-26 is lifted on July 10, 2026.

June 26, 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.