



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

File Number: LTB-L-036509-26-SA

In the matter of: 91, 10 KINGSTON RD
TORONTO ON M4L1S4

Between: 2-12 KINGSTON RESIDENCES CORP. Landlord

And

GABRIEL ALLISTAIR LASHLEY Tenant

2-12 KINGSTON RESIDENCES CORP. (the 'Landlord') applied for an order to terminate the tenancy and evict GABRIEL ALLISTAIR LASHLEY (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 10, 2026 with respect to application LTB-L-008330-26.

The Landlord's application was resolved by order LTB-L-036509-26, issued on May 1, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-036509-26.

This motion was heard by videoconference on June 22, 2026.

The Landlord's Legal Representative, Lily McMillan, 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 10, 2026 with respect to application LTB-L-008330-26; specifically, the Tenant failed to pay the Landlord \$2,286.00 on or before April 23, 2026.
2. The Tenant does not contest the breach and testified that he made the final payment on April 23, 2026 using the Landlord's online portal but the payment did not go through until April 30, 2026.
3. The Tenant testified that there was no notification from his bank or the Landlord that there was an issue with the payment and only realized the payment was late when he saw the payment go through on April 30, 2026.
4. The parties agree that as of April 30, 2026, the Tenant paid the Landlord \$2,286.00 owing in the previous order and was no longer in arrears.

5. The Landlord opposed the Tenant's motion submitting that there was no evidence that the Tenant attempted to make the payment on April 23, 2026 and that the Tenant is again in arrears with May and June 2026.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-036509-26. The Tenant cleared the balance on April 30, 2026 to satisfy the previous order before any new arrears materialized. Prior to the April 30, 2026 payment, the Tenant paid the Landlord \$186.00 on April 3, 2026 and \$1,000.00 on April 19, 2026. While I am mindful that the payment for the remaining balance of \$1,100.00 was late, the Act is remedial legislation and the courts have determined that evicting a tenant is a remedy of last resort.
7. Given that the amount outstanding in order LTB-L-036509-26 has been paid in full and the Landlord has been made whole with their L1 application, I find that it would not be unfair to set aside order LTB-L-036509-26. The Landlord can file another application on any new arrears or an application for the Tenant's alleged persistent late payments.

It is ordered that:

1. The motion to set aside Order LTB-L-036509-26, issued on May 1, 2026, is granted.
2. Order LTB-L-036509-26, issued on May 1, 2026, is set aside and cannot be enforced.

June 26, 2026
Date Issued

Vicky Liu
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.