



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Haller v Weir, 2026 ONLTB 49818

Date: 2026-06-29

File Number: LTB-L-107041-25-RV

In the matter of: 15, 44 JACKSON ST
ST THOMAS ON N5P2R9

Between: Michael Haller Landlord

And

Mitchell Weir Tenants
Joanne Gibbs

Review Order

Michael Haller (the 'Landlord') applied for an order to terminate the tenancy and evict Mitchell Weir and Joanne Gibbs (the 'Tenants') because the Tenant did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-107041-25 issued on April 1, 2026 and based on a hearing that took place on March 9, 2026 where both parties attended.

On April 17, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved. The Tenant allege that the order contains a serious error on the basis they made payments after the hearing and the Landlord still filed with the sheriff and they submit this was an abuse of process.

On April 20, 2026 interim order LTB-L-107041-25-RV-IN was issued, staying the order issued on April 1, 2026.

This review was heard by videoconference on June 11, 2026.

The Landlord's agent, Tammy Mizon, and the Tenant, Mitchell Weir, attended the hearing. The Tenant confirmed that the other Tenant was not feeling well and that they had the authority to speak for both Tenants at the hearing.

Determinations:

1. The Tenant submits that the error was both on the part of the LTB for issuing the order for non-payment of rent on April 1, 2026 and by including the April rent, it put an additional requirement on the Tenant to void the eviction order.

2. Further, the Tenant submits that they paid the Landlord everything that was outstanding including the application filing fee, and the rent arrears owing for the period ending March 31, 2026 by making the payment of \$5,686.00 by March 20, 2026.
3. Indeed this would be enough to discontinue the application as of the March 20th date, however, the payment was made after the hearing on March 9, 2026.
4. Subsection 74 of the *Residential Tenancies Act, 2006* (the 'Act') states (in part) the following:

74 (1) A landlord may not apply to the Board under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 before the day following the termination date specified in the notice. 2006, c. 17, s. 74 (1).

Discontinuance of application

(2) An application by a landlord under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 shall be discontinued if, before the Board issues the eviction order, the Board is satisfied that the tenant has paid to the landlord or to the Board,

- (a) the amount of rent that is in arrears under the tenancy agreement;
- (b) the amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given; and
- (c) the landlord's application fee. 2006, c. 17, s. 74 (2).

5. Neither the Landlord nor the Tenant advised the Board of any discontinuance prior to the order issuance date. On this basis, there is no error in the Board's decision. It correctly reflected the information provided to the Member at the hearing. There is no way the Member could have been satisfied that the application was discontinued between the hearing date and the order issuance date if they were not notified of the same.
6. Further, the order that was issued provides that to void the order, the Tenant must also pay the rent for April of 2026. This is also not an error. By the time the order was issued, presumably there would be another month's rent outstanding. It was not an error to include the additional rent owing in this regard.
7. The Tenant confirmed that they did not pay the April rent to void the order. Therefore, when the Landlord filed with the sheriff on April 13, 2026, they were within their lawful right to do so.
8. Had the Tenant paid the amount required to void the order before the enforcement date, then the Tenants' could have filed a Motion to Void form pursuant to subsection 74(4) of the Act. To do so they would have had to have paid the April rent in accordance with subsection 74(4)(a) either to the Landlord or the Board in trust.
9. Further, this option was not available to the Tenants because it is clear that April rent was not paid and such a motion would have been refused by the Board on that basis.

10. Based on the above, I am unable to find that the order contains a serious error or that there was an abuse of process by the Landlord. Accordingly, the review must be denied.
11. The Tenants submit that they have also not paid the rent for May or June to the Landlord. In this regard, they requested to have 30-60 days before lifting the stay so that they could borrow money from family and friends to void the order within that time. They only had a couple of hundred dollars available at the hearing to make any payments. They have a 15-year-old son at home and they are trying to get paid up. The Tenant is back to work, and their wife is going through an agency to return to work. They do not dispute the new rent arrears claimed by the Landlord.
12. The tenancy is relatively new which started on or about October 22, 2025 with their last month's rent deposit being paid. They almost immediately fell into rent arrears with the Landlord.
13. The Landlord was opposed to granting additional time before lifting the stay because of the ongoing prejudice they experience with the lack of payment and total lack of communication from the Tenants surrounding their circumstances and their payment ability.
14. After considering the submission from both parties, I find that granting the Tenants until July 15, 2026 to be a reasonable time from before lifting the stay. This is more than the 30 days requested by the Tenants. Any further time however I find would be greatly prejudicial to the Landlord.
15. An oral decision was provided at the hearing and this order reflects my decision.

It is ordered that:

1. The request to review order LTB-L-107041-25 issued on April 1, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on April 20, 2026 is cancelled. The stay of order LTB-L-107041-25 is lifted July 15, 2026.

June 29, 2026
Date Issued

Terri van Huisstede
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.