



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

File Number: LTB-L-031811-26-RV

In the matter of: 541 SMOKES POINT ROAD
CARRYING PLACE ON K0K1L0

Between: NADER QAWASMI Landlord

And

PAUL SCHOFIELD Tenant
LISA SCHOFIELD

Review Order

NADER QAWASMI (the 'Landlord') applied for an order to terminate the tenancy and evict PAUL SCHOFIELD and LISA SCHOFIELD (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on February 17, 2026 with respect to application LTB-L-100971-25 ('the conditional order').

This application was resolved by order LTB-L-031811-26 issued on June 22, 2026 ('the eviction order'). This order was issued without a hearing being held.

The Tenant filed a motion to set aside the eviction order. That motion was granted in order LTB-L-031811-26-SA issued on June 22, 2026 ('the motion order').

On June 24, 2026, the Landlord requested a review of the motion order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Tenant's motion to set aside the eviction order was granted. The motion order notes that Tenant has paid off most of the outstanding arrears and has only a few payments remaining on the conditional order. The Landlord submits that the Board made a serious error by failing to consider an earlier breach of the conditional order and that doing so could change the outcome of the order. The Landlord states that the rent due on March 1, 2026, was not paid until March 5, 2026.
2. Based on the submissions made in the request, I am not satisfied that there is a serious error in the order.

3. The Landlord's application concerns the Tenant breaching the conditional order by not making the full arrears payment on March 19, 2026. The application is not about the failure to pay rent on time on March 1, 2026. In fact, the application, which was filed on April 10, 2026, was out of time to claim a March 1, 2026, breach pursuant to section 78(5) of the *Residential Tenancies Act, 2006* ('the Act'). A landlord only has 30 days to file an eviction application for a breach of a conditional order. However, I agree with the Landlord that a prior breach is a relevant circumstance in determining whether it would not be unfair to set aside the eviction order pursuant to section 78(11)(b) of the Act.
4. The Landlord claims they raised the March 1, 2026, breach at the hearing but the Landlord has not provided a transcript, reference to a timestamp on the hearing recording, or reference to a piece of evidence they submitted that establishes the March 1, 2026, breach. The Landlord has therefore provided insufficient information on review to establish that the March 1, 2026, breach was before the Board.
5. However, even if the Landlord did provide evidence about the March 1, 2026, breach at the hearing I'm not satisfied that the order contains a serious error. Paragraph 5 of the order reflects that the Board considered the Landlord's testimony that rent has been paid late 97% of the tenancy. The Board therefore understood that the Tenant has a history of late payments.
6. I'm also not satisfied that the March 1, 2026 breach would change the outcome of the order. The Board made its decision knowing that the Tenant has a history of late payments. The order reflects that the eviction order was set aside because the breach it was actually based on (the March 19, 2026 payment) was the result of an inadvertent miscalculation because of a side effect of a medication the Tenant was on, the vast majority of what is owed to the Landlord has been paid, and only two payments remain on the conditional order. In those circumstances I'm not satisfied that an explicit reference to the March 1, 2026 breach would change the outcome of the order.

It is ordered that:

1. The request to review order LTB-L-031811-26 issued on June 22, 2026 is denied. The order is confirmed and remains unchanged.

June 25, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

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