



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

Citation: Akhter v Charles, 2026 ONLTB 50318

Date: 2026-06-29

File Number: LTB-L-034372-26-SA

In the matter of: 211 Cittadella Blvd
Hannon ON L0R1P0

Between: Hina Akhter Landlord

And

Donald Raymond Charles Tenants
Ciara Nina Lovie

Hina Akhter (the 'Landlord') applied for an order to terminate the tenancy and evict DONALD Raymond Charles and Ciara Nina Lovie (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 mediated settlement signed by the parties on January 6, 2026 with respect to application LTB-L-083274-25.

The Landlord's application was resolved by order LTB-L-034372-26, issued on April 24, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-034372-26.

This motion was heard by videoconference on June 17, 2026.

The Tenant Ciara Nina Lovie (representing both Tenants) and the Landlords' agents Muhammad Adnan Anwer and Muhammad Sohail Afzal attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenants failed to meet a condition specified in the order entered into on consent by the parties on January 6, 2026 with respect to application LTB-L-083274-25.
2. In particular, the Tenants failed to pay the rent that came due on April 1, 2026, in full and on time as ordered on consent. It is undisputed that the Tenants made a partial rent payment

The surrounding circumstances

3. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-034372-26.
4. The Tenant Ciara Nina Lovie testified to the surrounding circumstances at the hearing. She testified that her father passed away on April 22, 2026, and was in declining health leading up to his passing. She testified that her mental health declined around this time, which affected her ability to make the agreed-to payments.
5. She also testified that the other Tenant, Donald Raymond Charles, had an immobilizing surgery on February 2, 2026, and has been unable to work full-time, which has negatively affected the Tenants' finances. She testified that Mr. Charles was in the process of returning to work and would be earning income again in the near future.
6. The Landlords' agents submit that the lack of rent payments has caused the Landlord "enormous stress" leading to hospitalization and that she is "on the verge of filing for bankruptcy". However, the Landlords' agents did not provide any additional details about these circumstances. No details about the Landlord's health or financial circumstances were provided at the hearing.
7. The Tenants acknowledge that rent for May 2026 and June 2026 have not been paid.
8. The Tenants were abiding by the terms of the agreement negotiated up until the month when Ms. Lovie testified her father got sick and passed away. I am satisfied that there was a connection between Ms. Lovie's fathers' passing and the breach that occurred. I am also satisfied, based on Ms. Lovie's testimony, that Mr. Charles's health circumstances are improving and his financial earning will increase as a result.
9. The Landlord is entitled to timely rent payments going forward and to timely payment of the arrears. The parties agree that the arrears up to June 30, 2026, as of the hearing date for this motion, total \$14,304.00.
10. The Landlord also continues to be entitled to payment of the filing fee for the initial L1 application, totalling \$186.00.
11. Given the circumstances identified at the hearing, I am satisfied that it would not be unfair to set aside order LTB-L-034372-26.
12. Order LTB-L-083274-25 is replaced with the order below. A new payment plan is instituted to ensure that the Landlord receives timely rent and arrears payments and is not unduly prejudiced by the interruption of the previous payment plan that led to this motion. I am satisfied, based on Ms. Lovie's testimony about the Tenants' finances, that they are likely able to make payments in accordance with the terms ordered below.

It is ordered that:

1. The motion to set aside Order LTB-L-034372-26, issued on April 24, 2026, is granted.
2. Order LTB-L-034372-26, issued on April 24, 2026, is set aside and cannot be enforced.

3. The Landlord's application under section 78 of the Act is dismissed.
4. The settlement mediated by the Board with respect to application LTB-L-083274-25 is replaced with the following order:
 1. The Tenant shall pay to the Landlord \$ 14,490.00 for arrears of rent up to June 30, 2026, and costs.
 2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

Payment Due Date	Payment Amount
July 20, 2026	\$700.00
August 20, 2026	\$700.00
September 20, 2026	\$700.00
October 20, 2026	\$700.00
November 20, 2026	\$700.00
December 20, 2026	\$700.00
January 20, 2027	\$700.00
February 20, 2027	\$700.00
March 20, 2027	\$700.00
April 20, 2027	\$700.00
May 20, 2027	\$700.00
June 20, 2027	\$700.00
July 20, 2027	\$700.00
August 20, 2027	\$700.00
September 20, 2027	\$700.00
October 20, 2027	\$700.00
November 20, 2027	\$700.00
December 20, 2027	\$700.00
January 20, 2028	\$700.00
February 20, 2028	\$700.00
March 20, 2028	\$490.00

3. On or before July 20, 2026, the Tenants shall also pay to the Landlord the new rent that will come due on July 1, 2026.
4. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period August 1, 2026, to March 31, 2028, or until the arrears are paid in full, whichever date is earliest.
5. If the Tenant fails to make any one of the payments in accordance with paragraphs 2, 3 or 4 of this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after June 30, 2026.

June 29, 2026
Date Issued

Jeremy Henderson
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.