



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

Citation: Toronto Community Housing Corporation v Mckenzie, 2026 ONLTB 50334

Date: 2026-06-26

File Number: LTB-L-035039-26-SA

In the matter of: 707, 40 ASQUITH AVE
TORONTO ON M4W1J6

Between: Toronto Community Housing Corporation Landlord

And

Drew Brosnan Mckenzie Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Drew Brosnan Mckenzie (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on December 11, 2025 with respect to application LTB-L-021588-24.

The Landlord's application was resolved by order LTB-L-035039-26, issued on April 27, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-035039-26. This motion was heard by videoconference on June 17, 2026.

The Landlord's legal representative Travis King, the Landlord's agent Kelly Fleming, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet a condition specified in the order issued by the LTB on December 11, 2025 with respect to application LTB-L-021588-24.
2. Specifically, the Tenant did not pay \$200.00 towards the balance owing as a result of that order as required on April 1, 2026. The Tenant does not dispute this breach.

The surrounding circumstances

3. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-035039-26.
4. The Tenant testified about their financial circumstances at the hearing. The Tenant testified that their monthly expenses are currently approximately \$240.00 higher than their

monthly income. Based on the information presented, the Tenant cannot afford to make payments towards the amount they were ordered to pay in LTB-L-021588-24.

5. The Tenant also testified about their health circumstances, particularly that they were diagnosed with a spinal condition in late November 2025 and that this condition entails weekly treatments at a hospital as well as possible surgery. They testified that they cannot work a job right now due to this condition and the mobility challenges presented.
6. Based on the payment plan in the previous order, if the Tenant had been able to comply with the order, the repayment would have extended to approximately September 2040. Any further extension of the Tenant's payment obligations beyond that date would be unduly prejudicial to the Landlord, who has been required to draw down on other resources to pay for the damage the Board found the Tenant to have caused.

The stay is lifted on October 31, 2026

7. Subsection 78(11) of the Act provides the Board discretion in postponing the date that a stay of an order is lifted if a motion made under subsection 78(9) where the Board finds that it would be unfair to set aside the underlying order.
8. The Tenant's health circumstances are sufficient to justify a significant postponement of the stay. The Tenant faces significant obstacles in arranging new housing, including limited mobility and a resulting inability to work.
9. The Tenant's rent is being paid directly via ODSP benefits. The Landlord continues to receive this income. As such, the prejudice to the Landlord does not significantly increase if the lifting of the stay is postponed.
10. In these circumstances, I find that it is reasonable to postpone the lifting of the stay until October 31, 2026. This balances the Landlord's interest in regaining possession of the unit with the Tenant's need for additional time to make future housing arrangements.

It is ordered that:

1. The motion to set aside Order LTB-L-035039-26, issued on April 27, 2026, is denied.
2. The stay of order LTB-L-035039-26 shall be lifted on October 31, 2026.
3. Order LTB-L-035039-26 is unchanged.

June 26, 2026
Date Issued

Jeremy Henderson
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.