



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

File Number: LTB-L-037580-26-SA

In the matter of: 1, 72 AMESBURY DR
NORTH YORK ON M6M4H9

Between: Paulo Batista Landlord

And

Jennifer Croke Tenants
Shawn Ramsey

Paulo Batista (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Croke and Shawn Ramsey (the 'Tenant') because the Tenants did not meet a condition specified in the order issued by the LTB on December 9, 2025 with respect to application LTB-L-078253-25.

The Landlord's application was resolved by order LTB-L-037580-26, issued on May 4, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-037580-26.

This motion was heard by videoconference on June 25, 2026. The Landlord represented by Chistian Boada Idrovo, and the Tenant Jennifer Croke, attended the hearing.

Determinations:

1. The Tenants were ordered to pay rent in full and on time commencing in January 2026 for 18 consecutive months.
2. April rent was not paid before midnight on April 1st and was received by the Landlord at 10:am on April 2nd. All other rent has been paid in full and on time.
3. The Tenant testified that she had a miscarriage on April 1st, was in the hospital, and when she returned home she was tired and confused, and did not remember to pay the rent until it was late. The Tenant also testified that Mr. Ramsey was in London, Ontario with his son at the time.
4. The Landlord's representative argues that the Tenant provided no evidence to support the testimony that she had a miscarriage.

5. The Tenant did provide a written response prior to the hearing stating what happened.
6. After considering all of the circumstances, including the fact that the late payment was received on the morning following the due date and that all other payment have been made on time, I find that it would not be unfair to set aside order LTB-L-037580-26.

It is ordered that:

1. The motion to set aside Order LTB-L-037580-26, issued on May 4, 2026, is granted.
2. Order LTB-L-037580-26, issued on May 4, 2026, is set aside and cannot be enforced.

June 26, 2026

Date Issued

Greg Joy

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.