



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

File Number: LTB-L-034334-26-SA

In the matter of: Main, 8 VAIL MEADOWS CRES
BOWMANVILLE ON L1C4T1

Between: Maria Anton Benedict
Anton Benedict
Landlords

And

Joshua Phillips
Tenant

Maria Anton Benedict and Anton Benedict (the 'Landlords') applied for an order to terminate the tenancy and evict Joshua Phillips (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on March 10, 2026 with respect to application LTB-L-107003-25.

The Landlords' application was resolved by order LTB-L-034334-26, issued on May 1, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-034334-26.

This motion was heard by videoconference on June 24, 2026.

The Landlords' Representative, Parasstoo Naderi, the Landlord, Maraia Anton Benedict, the Landlord's Agent, Jason Anton Benedict, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous order

1. It was undisputed that the Tenant failed to meet a condition specified in the order issued by the LTB on March 10, 2026, with respect to application LTB-L-107003-25 by failing to pay the rent due on April 1, 2026, on time and failing to pay the arrears payment of \$1,300.00 due on or before April 15, 2026.

The surrounding circumstances

2. The Tenant was not seeking to have the exparte order set aside or to enter into a new payment plan and instead was simply seeking to have the order stayed until at minimum August 31, 2026, in order to find new living accommodation for himself and his children.
3. As such, after considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-034334-26.

The stay is lifted immediately

4. The Tenant testified that he has two children, both with medical issues. The Tenant testified that his one son is diabetic and his other son has significantly more serious medical concerns and is getting sicker and sicker. The Tenant testified that his one son had surgery in May and has another surgery scheduled soon and needs a stable home to recover in. The Tenant testified he just needs to ensure that an eviction does not occur until after August 31, 2026, as this will enable the Tenant to have a place for his children and give him time to find a suitable home to move to.
5. The Tenant also testified that until just recently he only had his children on weekends but has increased his care of his children with his one son getting sicker because his children's mother is still working but the Tenant has not been able to work since his son is so ill. The Tenant testified that due to his son's illness he has been unable to return to work as anticipated which is why he has been unable to pay any rent to the Landlord. The Tenant testified he had only just begun looking into social assistance.
6. The Landlords' Representative submitted that the stay should be lifted immediately because the Landlords continue to suffer financial harm from the growing arrears due to the Tenant's failure to pay rent or anything toward the arrears. The Landlords' Representative submitted that the Landlords will continue to be prejudiced by the delay if the stay is not lifted immediately.
7. According to the exparte order, the Tenant owed the Landlords \$15,717.29 plus a per diem of \$101.92 which commenced on May 2, 2026. The Tenant admitted he had not made any payments to the Landlords and could not as he did not have an income.
8. I will note that the Tenant is heavily relying on the significant medical issues of his children but when the Landlords' Representative inquired if there was supporting medical documentation the Tenant became defensive and essentially said that was private information that the Tenant was not required to share. While the Tenant is not required to share the medical information of his children, he is also relying on their said medical issues for a lengthy extension to an eviction while also indicating that he will likely not be paying any rent to the Landlord. I do not think that it is inappropriate or uncalled for to ask for supporting medical documentation. I also find it odd that the Tenant would rely heavily on medical issues and not have any supporting documentation.
9. Unfortunately, based on the evidence before me, I do not find it fair in the circumstances to continue to delay the eviction. While I am sympathetic to the Tenant's position and the difficult time he is going through with his children, I am not satisfied that the Tenant has the children as often as he claims, or that he will have sole care during their medical appointments, or after upcoming surgeries. I am not saying that the Tenant's children do not have medical issues. However, I am satisfied that the children will have a safe and

stable home with their other parent to recover from any medical appointments in, as the Tenant only had the children on weekends until recently and there is no evidence to indicate they cannot continue this while the Tenant finds a new rental unit.

10. Based on the amount of arrears that will continue to grow, it is unfair to the Landlords to have this tenancy continue and to delay the eviction any further with no guarantee of payment from the Tenant.
11. The stay of order LTB-L-034334-26 is lifted immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-034334-26, issued on May 1, 2026, is denied.
2. The stay of order LTB-L-034334-26 is lifted immediately.
3. Order LTB-L-034334-26 is unchanged.

June 30, 2026
Date Issued

Nicole Pedron
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.