



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

File Number: EAL-99457-22-SA

In the matter of: 12 LOWES HILL CIRCLE
CALEDON ON L7C4H4

Between: Babatunde Obatolu

and

Sheryl Hall

I hereby certify this is a
true copy of an Order dated

Aug 23 2022

Landlord and Tenant Board

Landlord

Tenant

Babatunde Obatolu (the 'Landlord') applied for an order to terminate the tenancy and evict Sheryl Hall (the 'Tenant') and for an order to have the Tenant pay compensation for damage the Tenant owes because the Tenant failed to meet a condition specified in the order issued by the Board on December 31, 2021 with respect to application HOL-10542-21.

The Landlord's application was resolved by order EAL-99457-22, issued on May 6, 2022. The Tenant filed a motion to set aside order EAL-99457-22.

This motion was heard in videoconference on July 12, 2022.

The Landlord and the Tenant attended the hearing.

Determinations:


1. The Tenant did not pay the Landlord \$310.00 on or before April 1, 2022 because of change in employment income after losing her job which were unforeseen circumstances that weren't anticipated. The breach was a result of unexpected circumstances.
2. Further relief from eviction is granted pursuant to the Board's discretion under section 78(11)(b) of the Act having considered all the circumstances.
3. The \$310.00 is the remaining balance from the amount of \$1,857.00 required under the order issued December 31, 2021. However, since utilities are now changed to the Tenant's account, there's no possibility for this to be a recurring issue/concern that will substantially interfere with the Landlord's interests.
4. The Tenant nor the Landlord provided post hearing submission due on August 1, 2022. It's unknown whether the Tenant paid the Landlord the balance of the utilities on or before August 1, 2022.

5. The mediated order HOL-10542-21 issued on December 31, 2021 under section 194 of the Act is amended under the authority of section 78(12) of the Act as follows:.

It is ordered that:

1. Order EAL-99457-22, issued on May 6, 2022 is set aside and cannot be enforced.
2. Order HOL-10542-21 issued on December 31 2021 is amended as follows:
3. The Tenant shall pay the Landlord \$381.00 on or before August 1, 2022.
4. If the Tenant does not pay the Landlord the full amount owing* on or before August 1, 2022, the Tenant will start to owe interest. This will be simple interest calculated from August 2, 2022 at 3.00% annually on the balance outstanding.

August 23, 2022
Date Issued



Sandra Macchione
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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

