



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

File Number: CEL-98984-21-SA

In the matter of: 60 WANNAMAKER CRESCENT
CAMBRIDGE ON N3E0C5

Between: Wilma D'souza Landlords
Alwyn D'souza

and

Fred Perry Tenants
Jaimey Robertson

Wilma D'souza and Alwyn D'souza (the 'Landlords') applied for an order to terminate the tenancy and evict Fred Perry and Jaimey Robertson (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on December 30, 2020 with respect to application HOL-07138-20.

The Landlords' application was resolved by order CEL-98984-21, issued on March 19, 2021. The Tenants filed a motion to set aside order CEL-98984-21.

This motion was heard in Passcode:135 162 270# on May 4, 2021. The Landlord Alwyn D'souza, represented by Micah Remedios, and the Tenant assisted by Duty Counsel, attended the hearing.

Determinations:

1. The Tenants were in arrears in the amount of \$21,550.00 at the time that order HOL-07138-20 was issued. The Tenants moved into the rental unit on May 31, 2019. The arrears represent 9 ½ months of the 18 months they resided in the rental unit. Since the order, the Tenants owe an additional \$4,500.00 which is equal to two-months rent. The Tenants now owe the Landlord \$26,050.00 in arrears.
2. The Tenant testified that they have always paid their rent previously but fell into arrears due to Covid-19. However, the amount of arrears the Tenants owed the Landlord at the time of the hearing in November shows that some of the arrears of rent pre-dates the onset of Covid-19.
3. The Tenant testified that she has a new job she will be starting. It is worth noting the Tenant testified at the hearing in November that she would be starting a new job in February 2021. The Tenant also testified in November that she was confident she would

start receiving an income by the end of January 2021 and was previously making \$110,000.00 annually. At this hearing the Tenant testified that she has not worked since her child was born more than two years ago.

4. The Landlord testified that he contacted the employer that the Tenant informed him she would start working for and the employer informed the Landlord they were not aware of an employment offer to the Tenant. The Landlord also testified that the Tenants also owe for the water bill and that a lean may be put on the house if it is not paid.
5. The Tenant testified that she was unsure if the cost of the water bill was their responsibility. The Landlord points to an N5 notice served on the Tenants on February 9, 2021 informing them that they owe \$1,741.31 from the date they moved into the rental unit until January 15, 2021.
6. The Board provided relief from eviction based on the testimony by the Tenant at the hearing in November. Since the Board granted relief the Tenants not only owe the Landlord an additional \$4,500.00, but they have also been informed they owe the Landlord for the water bill. Considering the fact the Landlord served notice on the Tenants about the water bill and the Tenant claims she was unaware if it is their responsibility, as well as the claim about future employment at the November hearing which has not happened, all make me question the credibility of the testimony. The Tenants now owe the Landlord nearly a full year of rent in a two-year tenancy. The Board has granted relief from eviction. Under the circumstances, I find it would be unfair to the Landlord to grant relief again.

It is ordered that:

1. The motion to set aside Order CEL-98984-21, issued on March 19, 2021, is denied.
2. The stay of order CEL-98984-21 is lifted immediately.



May 10, 2021
Date Issued

Greg Joy
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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