

*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT

BETWEEN:

JEFF WESTWOOD

Landlord/Moving Party

and

GINA VAN RAALTE

Tenant/Appellant

**ORDER**

**THIS MOTION** was heard this February 7, 2019 at Hamilton Court, 45 Main Street East, Hamilton, Ontario, L8N 2B7

ON READING the Moving Party's Motion Material, the Affidavit of Jeffrey Westwood and the attached exhibits, and hearing the submissions of Jeffrey Westwood, and Responding Party.

1. An Order to dismissing the Divisional Court Appeal (DC 17- 843) brought forward by Ms Van Raalte for failing to comply with Mr Justice Sweeny's July 27, 2017 order. Rule 60.12 (b). Rules of Civil Procedure
2. An Order to dismissing the Divisional Court Appeal (DC 17- 843) brought forward by Ms Van Raalte for failing to comply with Mr Justice Skarica's interlocutory order of Apr 3, 2018 . Rule 57.03 (2) and Rule 60.12 (b). Rules of Civil Procedure
3. An Order to lift the stay of the Order made by the Landlord and Tenant Board dated May 31, 2017

4. An Order that the Milton Court Enforcement Office (Sheriff) be directed to give immediate vacant possession of 78 Goldham Way, Georgetown to the Landlord. *This order is to be enforced forthwith. ✓ TS*

5. An Order to pay all outstanding rent as determined in the LTB order, plus rent not paid for June 2017, July 2017, Sept 2018, Oct 2018, Nov 2018 and Dec 2018, Jan 2019. A total of \$15996.81 plus any further non-payment of rent to be paid within 30 days or an Order For Contempt of court may be brought before this court

6. An Order to pay costs for the proceeding of Jan 4, 2018 Jan 10, 2018 as ordered by Mr. Justice Goodman on Jan 10, 2018. Costs are in the cause, to be paid within 30 days or an Order For Contempt of court may be brought before this court

7. THIS COURT ORDERS the Tenant to pay costs to the Landlord for the proceeding of Jan 4, 2018 Jan 10, 2018 as ordered these costs are in the cause by Mr. Justice Goodman on Jan 10, 2018. Costs are awarded at \$~~7,000~~ *7,000*, to be paid within 30 days or a motion for contempt may be brought before a judge of this court. ✓ TS

8. THIS COURT ORDERS the Tenant to pay costs to the Landlord for the proceedings set before the court today and awarded at \$~~4,500~~ *4,500* Costs to be paid within 30 days or a motion for contempt may be brought before a judge of this court.

*TS* ✓ 9. This court orders the tenant to pay costs to the Landlord for the appeal proceedings fixed at \$15,000. ✓ TS

Such further and other relief as maybe advised and this Honourable Court may deem just.

*Justice A. Skarica*  
JUSTICE SKARICA

MR. JUSTICE A. SKARICA

ENTERED AT HAMILTON
IN Book No. 387
as Document No. 45
on: FEB 07 2019
by: KD

GINA VAN RAALTE.  
Appellant

JEFF WESTWOOD  
Respondent  
Court File No.: DC-17-843

*Superior Court of Justice*  
*Ontario*  
DIVISIONAL COURT

PROCEEDING COMMENCED AT  
*LANDLORD and TENANT BOARD*

ORDER

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