



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Teecon Corporation v Dawson, 2024 ONLTB 9465

Date: 2024-02-05

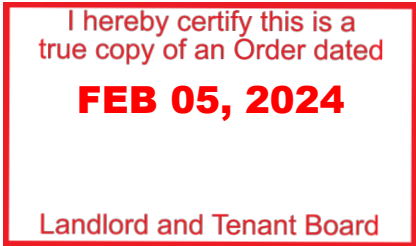
File Number: LTB-L-096875-23-SA

In the matter of: Unit B, 297 MAIN ST E
GRIMSBY ON L3M1R1

Between: Teecon Corporation

And

Catharine Dawson



Landlord

Tenant

Teecon Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Catharine Dawson (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 Board on July 18, 2023, with respect to application LTB-L-008413-23.

The Landlord's application was resolved by order LTB-L-073587-23 issued on October 5, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-073587-23 issued on October 5, 2023. This motion was heard on November 28, 2023, and was resolved by order LTB-L-073587-23-SA issued on December 7, 2023.

The Landlord applied for an order to terminate the tenancy and evict 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 Board on December 7, 2023, with respect to application LTB-L-073587-23-SA.

The Landlord's application was resolved by order LTB-L-096875-23 issued on January 10, 2024.

The Tenant filed a motion to set aside LTB-L-096875-23 issued on January 10, 2024.

This motion was heard via video conference on January 25, 2024.

The Landlord's agent, Tania Conte, and the Tenant attended the hearing.

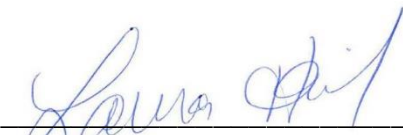
Determinations:

1. There is no dispute that the Tenant breached the order issued by the Board on December 7, 2023, with respect to application LTB-L-073587-23-SA. The Tenant failed to pay \$2,355.55 to the Landlord on or before December 7, 2023.
2. As the Tenant breached the order, the next issue before me is whether it would be unfair in all the circumstances to set aside the eviction order.
3. The circumstances here are that this is the Tenant's second motion to set aside and she agrees that this tenancy is no longer financially sustainable. The Tenant understands that she cannot afford to pay the ongoing monthly rent and she cannot afford to pay the significant amount of outstanding arrears which are now approximately \$13,983.13.
4. The Tenant is seeking relief in the form of delay until March 31, 2024. For the following reasons, I find the Tenant's suggestion to be reasonable.
5. The Tenant experiences serious mental health concerns based on previous significant trauma. The Tenant also has physical illnesses that result in various limitations. I have also considered that this is a relatively long-term tenancy as the Tenant has lived in the rental unit since 2016. I have also considered that there is minimal ongoing prejudice to the Landlord as they are holding a last month's rent deposit which will be applied to March's rent.
6. For all of these reasons, and based on all of the circumstances, I find that it would not be unfair to grant the Tenant some relief in the form of a delay until March 31, 2024. An order will issue lifting the stay of the eviction order on March 31, 2024.

It is ordered that:

1. The Tenant's motion to set aside Order LTB-L-096875-23 issued on January 10, 2024, is denied.
2. The stay of order LTB-L-096875-23 issued on January 10, 2024 is lifted on March 31, 2024.

February 5, 2024
Date Issued



Laura Hartsliet
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.