



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

Citation: Cher-Brook Properties Corporation v Bouthillette, 2024 ONLTB 5070

Date: 2024-03-25

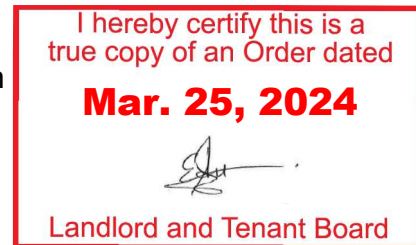
File Number: LTB-L-002261-24-SA

In the matter of: A306, 400 BLOOR ST E
OSHAWA ON L1H3M8

Between: Cher-Brook Properties Corporation

And

Joel Bouthillette
Melissa Beland



Landlord

Tenant

Cher-Brook Properties Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Joel Bouthillette and Melissa Beland (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 August 3, 2023 with respect to application LTB-L-024228-23.

The Landlord's application was resolved by order LTB-L-002261-24, issued on January 24, 2024. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-002261-24.

This motion was heard by videoconference on March 7, 2024. The Landlord's Legal Representative, J. Schmidt and the Tenant, Melissa Beland, attended the hearing.

Determinations:


1. The Tenant failed to meet a condition specified in the order issued by the LTB on August 3, 2023 with respect to application LTB-L-024228-23. The Tenant did not pay arrears of \$300.00 and the monthly rent on January 1, 2024.
2. The Tenant, who made the payments by e-transfer on January 5, 2024, testified that she was sick in the hospital on December 23 and 31, 2023, and did not realize that the payments were returned for lack of funds.
3. The parties agree that the Tenant has made the required payments for the months of February and March 2024, as ordered, and the outstanding arrears are \$886.00. The Tenant offered to pay the full amount on March 8, 2024.
4. The Landlord, who opposed the Tenant's motion, stated that she failed to comply with the terms of the order and made misleading statements in their motion.

5. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-002261-24. The Tenant clarified the discrepancy between the motion and her testimony and has since complied with order LTB-L-024228-23.
6. Following my instructions for the Tenant to pay the outstanding arrears of \$886.00 as requested, on March 8, 2024, the Tenant provided prove of payment via interac e-transfer to the Landlord. Although the Landlord was instructed to confirm receipt by March 11, 2024, and are yet to do so, I am satisfied that the Tenant has fulfilled the conditions contained in order LTB-L-024228-23 by the payment of the outstanding amount.

It is ordered that:

1. The motion to set aside Order LTB-L-002261-24, issued on January 24, 2024, is granted. The order cannot be enforced by the Landlord.
2. The Tenant has satisfied the conditions of the order issued by the LTB on August 3, 2023 with respect to application LTB-L-024228-23

March 25, 2024
Date Issued



Jitewa Edu
Member, Landlord and Tenant Board

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