



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

**Citation:** Deiab v Schmidt, 2024 ONLTB 26213

**Date:** 2024-04-17

**File Number:** LTB-L-010975-24

**In the matter of:** 173 WEST 32ND ST  
Hamilton ON L9C5H1

**Between:** Ibrahim Deiab Landlord

**And**

Ian Schmidt Tenants  
Ashley Schmidt

Ibrahim Deiab (the 'Landlord') applied for an order to terminate the tenancy and evict Ian Schmidt and Ashley Schmidt (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 January 30, 2024 with respect to application LTB-L-051463-23.

A hearing was held by videoconference on April 4, 2024 to consider this application. The Landlord's representative Brad Chudyk, and the Tenant Ian Schmidt, attended the hearing.

**Determinations:**

1. The parties agree the Tenants breached the conditions of order LTB-L-051463-23. The Tenant testified that when they entered into the agreement he was laid off from his employment shortly after. The Tenant is now employed and prepared to continue paying in line with the previous order.
2. I note that despite the Tenant's employment issues, the Tenants have continued to reduce the arrears of rent from \$12,886.00 to the current \$9,650.00.
3. Based on the Tenant's testimony, the pay from his new job is sufficient to pay the Landlord and they receive child benefits. The Tenants have four children aged 2, 4, 7 and 10. In consideration of these factors, I will grant relief from eviction and provide the Tenants with one more opportunity to maintain this tenancy.
4. The lawful monthly rent is due on the 20<sup>th</sup> day of each month and the Tenant agreed they could pay an additional \$1,000.00 with the rent starting April 2024.

**It is ordered that:**

1. Order LTB-L-051463-23 is cancelled and replaced with the following:
2. The Tenant shall pay to the Landlord \$9,650.00 plus rent as it becomes due as follows:
  - The Tenants shall pay to the Landlord the lawful rent plus \$1,000.00 on or before the 20<sup>th</sup> day of each consecutive month commencing April 2024 and continuing through December 2024.
  - The Tenant shall pay to the Landlord the lawful rent plus \$650.00 on or before January 20, 2025.
3. In the event the Tenants fail to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

**April 17, 2024**



**Date Issued**

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Greg Joy  
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.