



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

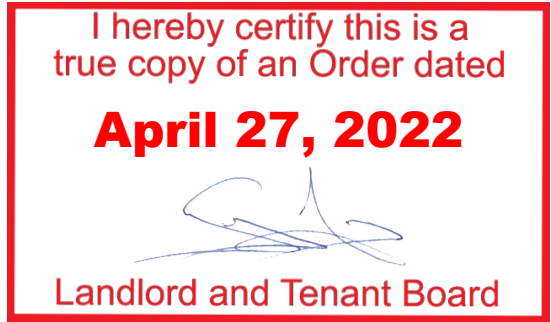
File Number: TSL-26213-22-SA

In the matter of: 43 CELADINE DRIVE
MARKHAM ON L3R2M3

Between: Wei Xuan Zhang

and

Charles Chessell
Sokunthea Path



Landlord

Tenants

Wei Xuan Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Sokunthea Path and Charles Chessell (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 February 11, 2022 with respect to application HOL-11803-21.

The Landlord's application was resolved by order TSL-26213-22, issued on March 16, 2022. The Tenants filed a motion to set aside order TSL-26213-22.

This motion was heard in Passcode: 910 9539 0063# on April 27, 2022. The Landlord, represented by Yan Li, and the Tenant Sokunthea Path, attended the hearing.

Determinations:

1. The Tenants moved into the rental unit on January 23, 2021. The lawful monthly rent is \$2,650.00. At a hearing in November 2021, the parties agreed that the Tenants owed the Landlord \$11,750.00 in arrears to the end of November. The Tenants were to pay to the Landlord \$3,650.00 on December 1, 2021, \$1,000.00 on December 23, 2021, \$736.00 on January 23, 2022, and \$655.00 on or before the 23rd day of the following ten months. The Tenants made the first two payments toward arrears, but have not made any of the additional payments and have not paid rent since June 2021. The Tenants now owe the Landlord \$17,886.00, which is \$6,136.00 more than they owed the Landlord when they entered into the repayment plan.
2. The Landlord has lost his employment and has borrowed \$20,000.00 to maintain his mortgage payments.
3. The Tenant have requested a new payment plan or a delay in terminating the tenancy. The Tenants were asked how much they have to pay the Landlord at this time. The

Tenant testified they have \$2,500.00. This is less than one month rent which is due in five days.

4. I find it would be unfair to the Landlord to grant any further relief. The Landlord consented to an ordered to allow the Tenants to remain in the unit and repay the arrears. Since that time, the Tenants have accumulated more arrears and do not have the funds to continue to pay rent and repay the Landlord.

It is ordered that:

1. The motion to set aside Order TSL-26213-22, issued on March 16, 2022, is denied.
2. The stay of order TSL-26213-22 is lifted immediately.



Greg Joy
Member, Landlord and Tenant Board

April 27, 2022
Date Issued

Toronto South-RO
15 Grosvenor Street, 1st 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.