



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

File Number: SOL-20630-21-SA

In the matter of: 4, 897 BARTON STREET E
HAMILTON ON L8L3B8

Between: Peter Whelan Landlord

and

Darryl Myers Tenants
Jake Myers

Peter Whelan (the 'Landlord') applied for an order to terminate the tenancy and evict Darryl Myers and Jake Myers (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 2, 2021 with respect to application SOL-16035-20.

The Landlord's application was resolved by order SOL-20630-21, issued on March 31, 2021. The Tenants filed a motion to set aside order SOL-20630-21.

This motion was heard in Passcode: 910 9539 0063# on December 20, 2021. The Landlord and the Tenant Logan Bonnis attended the hearing.

Determinations:

1. The Tenant are in breach of order SOL-20630-21. The Tenant testified that there has been an issue with Ontario Works which will pay the arrears and rent by January 10, 2022. The Tenants currently owe the Landlord \$5,919.00 to the end of December 2021. January rent in the amount of \$970.00 will become due January 1, 2022.
2. The parties agreed that if the Tenants pay to the Landlord \$6,016.00 on or before January 10, 2022 the motion will be granted. If the Tenants fail to pay the entire amount the motion will be denied.

It is ordered that:

1. The motion to set aside Order SOL-20630-21, issued on March 31, 2021, is granted, on the condition the Tenants pay to the Landlord \$6,016.00 on or before January 10, 2022.
2. Should the Tenants fail to pay to the Landlord \$6,016.00 on or before January 10, 2022, the motion is denied, and the stay of order SOL-20630-21 is lifted on January 11, 2022.



Greg Joy
Member, Landlord and Tenant Board

December 29, 2021
Date Issued

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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

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