



Oct 3, 2023


Landlord and Tenant Board

**Order under Section 77(8)
Residential Tenancies Act, 2006**

Citation: Javed v Berrios, 2023 ONLTB 65893

Date: 2023-10-03

File Number: LTB-L-056363-23-SA

In the matter of: 5 PRISCILLA LANE
HAMILTON ON L8E3K9

Between: Fouzia Javed Landlord

And

Adela Berrios, Ava Finch and Mario Cornejo Tenants

Fouzia Javed (the 'Landlord') applied for an order to terminate the tenancy and evict Adela Berrios, Ava Finch and Mario Cornejo (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 July 12, 2023 with respect to application LTB-L-051606-22.

The Landlord's application was resolved by order LTB-L-056363-23, issued on August 3, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-056363-23.

The motion was heard by videoconference on September 25, 2023. The Landlord's representative Kashif Ali, and Alexander Berrios, an occupant of the rental unit, attended the hearing.

Determinations:

1. The Tenants owed \$33,600.00 at a hearing on June 28, 2023. The consent order required the Tenants to \$20,000.00 of this amount in certified funds on or before July 15, 2023. The Tenants have made no payments to the Landlord and now owe \$44,800.00 to the end of September 2023. The Tenants have not paid rent in 16 months.
2. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-056363-23.

It is ordered that:

1. The motion to set aside Order LTB-L-056363-23, issued on August 3, 2023, is denied.
2. The stay of Order LTB-L-056363-23, is lifted immediately.
3. Order LTB-L-056363-23 is unchanged.

October 3, 2023



Date Issued

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.