



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

**File Number:** SWL-51007-21-SA

**In the matter of:** 1 UPPER APT, 1180 MAIN STREET  
CAMBRIDGE ON N1R5S7

**Between:** Terrylene Dempsey Landlord

**and**

Robert Coleman Tenant

Terrylene Dempsey (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Coleman (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy. That application was resolved by order SWL-51007-21, issued on April 30, 2021.

The Tenant filed a motion to set aside order SWL-51007-21.

This motion was heard in video conference room 86 on June 17, 2021.

The Landlord, the Landlord's representative, B. Beaudoin, the Tenant and the Tenant's representative, R. Hazen, attended the hearing.

**Determinations:**

1. The Tenant did not prove, on a balance of probabilities, that he did not understand the contents and significance of the Form N11 agreement to terminate the tenancy when he signed it on January 13, 2021, to terminate the tenancy on April 30, 2021.
2. The evidence from the hearing shows that the Tenant was aware that his legal representative submitted the signed Form N11 to the Landlord's representative on January 13, 2021 for the Landlord to sign. The Landlord signed the Form N11 on January 18, 2021.
3. The Landlord also adduced evidence that they compensated the Tenant by waiving the Tenant's obligation to pay rent for one month, and that the Tenant accepted the waiver.
4. Based on the evidence from the hearing, I conclude that the Tenant was aware of the contents and significance of the Form N11 when he signed it on January 13, 2021. The Tenant also had a legal representative at the time, whom the Tenant instructed to send the signed form to the Landlord's representative for the Landlord's signature.

5. I therefore conclude that it is not appropriate to grant the Tenant's set aside motion.
6. However, the Tenant had paid rent for the period ending June 30, 2021. Moreover, the Tenant has resided at the rental unit for 17 years. The Tenant testified that he would require additional time to find new accommodations and to move his belongings.
7. In the circumstances, I find that it is appropriate to postpone lifting the stay until September 30, 2021.

**It is ordered that:**

1. The motion to set aside Order SWL-51007-21, issued on April 30, 2021, is denied.
2. The stay of order SWL-51007-21 is to be lifted on September 30, 2021.



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Harry Cho  
Member, Landlord and Tenant Board

**August 5, 2021**

**Date Issued**

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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