



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

Citation: Ramos v Serieux, 2023 ONLTB 26027

Date: 2023-03-16 **File Number:**
LTB-L-070508-22-SA

In the matter of: 48 GLADSTONE AVE
BRANTFORD ON N3S1P1

Between: Delaney Ramos Landlord

And

Vaughn Serieux Tenant

Delaney Ramos (the 'Landlord') applied for an order to terminate the tenancy and evict Vaughn Serieux (the 'Tenant').

The Landlord's application was resolved by order LTB-L-070508-22, issued on January 10, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-070508-22.

The motion was heard by videoconference on March 1, 2023.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The first issue on a motion to set aside such as this one is whether or not the Tenant breached the consent order issued on September 21, 2022.
2. The Tenant did not dispute that he failed to pay the monthly rent for October 2022 in full.
3. As such, I find that the Tenant breached the order issued on August 17, 2022.
4. Pursuant to subsection 78(11) of the *Residential Tenancies Act, 2006* (the 'Act'), when there has been a breach of an order, the next issue to determine is whether or not the

Board is satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order.

5. For the reasons set out below, I am not satisfied that that it would not be unfair to set aside the order.
6. At the time of the consent order issued on August 17, 2022, the Tenant owed the Landlord \$6,500.00 in arrears of rent up to July 31, 2022, and \$800.00 for utilities. Had the Tenant complied with the terms of the order, the Tenant would have satisfied the arrears of rent by the time of the hearing on March 1, 2023. However, the evidence before me established

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that the Tenant did not pay off the arrears. On the contrary, the arrears of rent increased by \$2,500.00. At the time of the hearing, the Tenant owed the Landlord \$9,700.00.

7. The Tenant has been residing in the rental unit since 2016. The monthly rent is \$1,200.00. Ontario Works pays the Landlord \$700.00 directly on behalf of the Tenant. The Tenant is responsible for the balance.
8. The Tenant submitted that he was without a job; however, Ontario Works is assisting him in finding a job. According to the Tenant, he should have a contract for a job at the end of March or mid April. At the time of the hearing, the Tenant did not have a job.
9. The Tenant also had someone living with him in the past, who contributed to the payment of rent. That person has moved out.
10. The Tenant stated that he just won full custody of his two children, 6 years and 9 months old. He is now entitled to the Child Tax Credit and will receive a lump sum payment, once he applies for it. The Tenant said he would apply this amount to the arrears of rent. However, no timeline as to the receipt of the credit/benefit or its amount was submitted.
11. According to the Landlords, they have exhausted their efforts to work with the Tenant in order to maintain his tenancy. The Landlords are financially, emotionally and physically exhausted. The tenancy is no longer viable. The Landlords are small Landlords and this tenancy is causing them extreme financial and emotional hardship to the extent that the Landlords are now having to sell the property. The Landlords have been using their life savings to support the viability of the tenancy.
12. In accordance with subsection 78(11) of the Act, I have considered all of the disclosed circumstances and I am not satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order. The evidence supports the conclusion that the Tenant is unable to pay the arrears and the monthly rent.
13. I am satisfied, however, that the circumstances warrant the delay of the lifting of the stay of the order for a short time, in order to provide the Tenant with more time to find alternate housing, considering his family circumstances.

14. The stay of order LTB-L-070508-22 is lifted on March 24, 2023.

It is ordered that:

1. The motion to set aside Order LTB-L-070508-22, issued on January 10, 2023, is denied.
2. The stay of Order LTB-L-070508-22, is lifted on March 24, 2023.
3. Order LTB-L-070508-22 is unchanged.

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March 16, 2023

Date Issued

Jana Rozehnal

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.