



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

Citation: FERGO PROPERTIES INC. v Cumpson, 2024 ONLTB 22711

Date: 2024-03-25

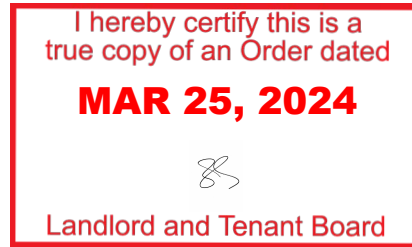
File Number: LTB-L-002232-24-SA

In the matter of: 1, 780 MONA DR
KINGSTON ON K7M5C3

Between: FERGO PROPERTIES INC.

And

Allysia Cumpson



Landlord

Tenant

FERGO PROPERTIES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Allysia Cumpson (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on December 18, 2023 with respect to application LTB-L-052431-23.

The Landlord's application was resolved by order LTB-L-002232-24, issued on January 25, 2024. This order was issued without a hearing being held.

On February 5, 2024, the Tenant filed a motion to set aside order LTB-L-002232-24.

This motion was heard by videoconference on March 21, 2024.

The Landlord's Agent Bruno Fernal, the Landlord's Legal Representative Janet Van Volkenburg and the Tenant attended the hearing.

At the hearing, the parties before the Board consented to the following order. I was satisfied the parties understood the consequences of the joint position.

On consent of the parties, it is ordered that:

1. The motion to set aside Order LTB-L-002232-24, issued on January 25, 2024, is granted.
2. Order LTB-L-002232-24, issued on January 25, 2024, is set aside and cannot be enforced.
3. Order LTB-L-052431-23, issued on December 18, 2023, is replaced with the following order.
4. The Tenant shall pay to the Landlord \$22,986.00 for arrears of rent up to March 31, 2024 and costs.

5. The amount set out in paragraph 4 of this order shall be paid to the Landlord by certified cheque on or before April 2, 2024.
6. The Tenant shall pay the monthly rent for April 2024 to the Landlord, in full, on or before April 1, 2024.
7. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 4 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after March 31, 2024.
8. The tenancy between the Landlord and Tenant is terminated effective May 31, 2024. The Tenant must move out of the rental unit on or before May 31, 2024.
9. If the unit is not vacated on or before May 31, 2024, then starting June 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after June 1, 2024.

March 25, 2024
Date Issued



John Cashmore
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on December 1, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.