



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Parker v Muir, 2023 ONLTB 40033

Date: 2023-07-21

File Number: LTB-L-038329-23

In the matter of: 33 GORE ST W
PERTH ON K7H2L9

Between: Jennifer Parker Landlord

And

Barb Muir Tenant

Jennifer Parker (the 'Landlord') applied for an order to terminate the tenancy and evict Barb Muir (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 March 29, 2023 with respect to application LTB-033417-22.

The Landlord's application was resolved by order LTB-L-038329-23, issued on June 1, 2023. The Tenant filed a motion to set aside order LTB-L-038329-23.

The motion was heard by videoconference on July 11, 2023.

The Landlord's agent Marie Connolly, the Tenant and her representative James Kafieh attended the hearing.

Determinations:

1. The first issue before the Board is whether there was a breach of the order in respect of application LTB-033417-22 as alleged by the Landlord. There was no dispute the Tenant breached the terms of the order.
2. This means I must determine, having regard to all the circumstances, whether it would not be unfair to set aside the eviction order. (See: s. 78(11)(b) of the Residential Tenancies Act, 2006 (the 'Act').)

3. There was no dispute the Tenant paid the arrears of rent and costs before June 30, 2023 and the Tenant has paid the July rent on time and in full. The Tenant has come to a zero balance.

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4. With that in mind, and because there are no arrears outstanding as of the date of the hearing, I find that it would not be unfair in these circumstances to grant the Tenant relief and a final opportunity to preserve her tenancy.
5. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The motion to set aside LTB-L-038329-23, issued on June 1, 2023 is granted.
2. Order LTB-033417-22 issued on March 29, 2023 is cancelled and replaced with the following order.
3. The Landlord's L1 application is discontinued to June 30, 2023.

July 21, 2023

Date Issued

Dana Wren

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.

