



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

Citation: tdwye v Shelly Joncas, 2023 ONLTB 43908

Date: 2023-06-19 **File Number:**
LTB-L-016772-23-SA

In the matter of: BOX 5 Stolar PO 363
SPANISH ON P0P2A0

Between: tdwye and Algoma District Services Landlord
Administration Board

And

Heather Joncas-wieland and Shelly Joncas Tenant

tdwye and Algoma District Services Administration Board (the 'Landlord') applied for an order to terminate the tenancy and evict Heather Joncas-wieland and Shelly Joncas (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 June 1, 2022 with respect to application LTB-L011192-22.

The Landlord's application was resolved by order LTB-L-016772-23, issued on June 1, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-016772-23.

The motion was heard by videoconference on June 7, 2023. The Landlord's representative Terry Dwyer, and the Tenant, attended the hearing.

At the hearing the parties consented to the following order.

The parties agree the Tenant owes the Landlord \$14,781.00 in arrears and costs to the end of June 2023.

The Tenant also agrees that she will work with the housing staff to avoid any issues related to an eviction.

The Landlord agrees that if the Tenant can establish that payments have been made that have not been accounted for by the Landlord in the amount the Tenant owes, the Landlord will request an amendment, within 30 days of this hearing, to adjust the amount ordered below.

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2023 ONL TB 43908 (CanLII)

It is ordered that:

1. The motion to set aside Order LTB-L-016772-23, issued on June 1, 2022, is granted.
2. Order LTB-L-016772-23, issued on June 1, 2022, is set aside and cannot be enforced.
3. Order LTB-L0011192-22 is cancelled and replaced with the following:
4. The Tenant shall pay to the Landlord \$14,781.00, plus the lawful rent as follows:
 - The Tenant shall pay to the Landlord the lawful rent Plus \$200.00 on or before the 1st day of each consecutive month commencing July 2023 and continuing until the entire amount of the arrears and costs are paid in full.
5. In the event the Tenant fails to make the above said payment in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenant, for an Order terminating the tenancy and evicting the Tenant and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

June 19, 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.