



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

**Citation:** Anna Moore Group Inc v Kristin Jenkins, 2023 ONLTB 43836  
**Date:** 2023-06-12 **File Number:**  
LTB-L-018702-23-SA

**In the matter of:** 1, 74 TORONTO ST  
BARRIE ON L4N1V2

**Between:** Anna Moore Group Inc Landlord

**And**

Kristin Jenkins Tenants  
Matthew Russell

Anna Moore Group Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Kristin Jenkins and Matthew Russell (the 'Tenants') because the Tenants failed to meet a condition specified in the order issued by the Board on February 8, 2023 with respect to application LTB-L-039196-23.

The Landlord's application was resolved by order LTB-L-018702-23, issued on April 27, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-018702-23.

The motion was heard by videoconference on June 5, 2023.

The Landlord's Representative, Tiffany McGowan and the Tenant, Matthew Russell attended the hearing.

**Determinations:**

1. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-018702-23.
2. The Tenant does not dispute that he did not pay \$300.00 on or before February 15, 2023 but he paid it on February 16, 2023 or that he failed to pay March rent on March 1, 2023 in full but paid it in two installments on March 1 and 2, 2023.
3. The Tenant owes the Landlord \$3,646.37 which represents the rent owing to June 30, 2023 and the cost of the application fee. Although the arrears have increased since the order LTB-L-039196-22 was issued on February 8, 2023, the Tenant had lost his job and

explained rent had to be paid in part given the e-transfer limits from its banking institution which were unforeseen circumstances when the consent order was issued. The Tenant proposed to pay \$3,000.00 immediately and understands that any breach of the payment plan in the future may result in eviction.

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4. I find the Tenant's breach is very minor to warrant eviction having made the payments required to the Landlord one day late.
5. Further relief from eviction is granted pursuant to the Board's discretion under section 78(11)(b) of the Act.

**It is ordered that:**

1. The motion to set aside Order LTB-L-018702-23, issued on April 27, 2023, is granted.
2. Order LTB-L-018702-23, issued on April 27, 2023, is set aside and replaced as follows:
3. The Tenants shall pay the Landlord \$3,646.37 as follows:
  - a) \$3,000.00 (arrears) on or before June 7, 2023;
  - b) \$324.00 (arrears) on or before July 15, 2023; and
  - c) \$322.37 (balance of arrears) on or before August 15, 2023.
4. The Tenants shall also pay the Landlord rent owing for the month of July 2023 and August 2023, no later than the first day of each month.
5. If the Tenants 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after June 30, 2023.

**June 12, 2023**  
**Date Issued**

Sandra Macchione  
Member, Landlord and Tenants 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.