



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

**Citation:** Julie Oweissi v Yvette Peters, 2023 ONLTB 41361

**Date:** 2023-06-06

**File Number:** LTB-L-028014-23-SA

**In the matter of:** 2009 Bushmill Street North Pickering  
Ontario L1X1C8

**Between:** Julie Oweissi Landlord

**And**

Cammie Peters and Yvette Peters Tenants

Julie Oweissi (the 'Landlord') applied for an order to terminate the tenancy and evict Cammie Peters and Yvette Peters (the 'Tenants') because the Tenant entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-028014-23, issued on April 26, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-028014-23 on April 27, 2023.

The motion was heard by videoconference on May 23, 2023 at 09:00 am.

The Landlord Representative Maria Rayson and the Tenant Yvette Peters attended the hearing.

### **Determinations:**

1. On March 23, 2023 the Landlord and Tenant entered into an agreement to terminate the tenancy as of April 16, 2023. The Tenant acknowledges that they have not vacated the rental unit as required by the agreement.
2. After considering all of the circumstances, and for the reasons that follow, I find that it would be unfair to set aside order LTB-L-028014-23.
3. The Tenant testified that they had been trying to find a new rental property and had hired a real estate agent to assist them, but to date had no success as they were trying to limit their search so that they wouldn't have to change their children's school. They also testified that they were experiencing some financial hardship and that they would like a delay to

sort out their finances. It was also their testimony that a delay to the end of June would allow their children to finish out the school year without disruption.

4. In response the Landlord Representative submitted that to grant the Tenant's motion would be prejudicial to the Landlord. It was their uncontested submission that the Tenant hadn't paid rent in over four months and the arrears were more than \$9,000.00.

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Accordingly, any further delay would add to the already existent financial hardship faced by the Landlord.

5. Having considered the above testimony and circumstances I am satisfied that it would be unfair to set aside the order as requested given the Tenant hasn't paid the rent in four months, and the current amount of arrears outstanding. I am in agreement with the Landlord Representative that to grant the Tenants motion would be prejudicial to the Landlord. Therefore, I must deny the Tenant's motion.

**It is ordered that:**

1. The motion to set aside Order LTB-L-028014-23, issued on April 26, 2023 , is denied.
2. The stay of Order LTB-L-028014-23, is lifted immediately.

**June 6, 2023**

**Date Issued**

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Kelly Delaney

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.

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