



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

Citation: 12977036 Canada Inc. v Tina Charbonneau, 2023 ONLTB 41330

Date: 2023-06-05

File Number: LTB-L-012622-23-SA

In the matter of: 129 Bruce Avenue
South Porcupine ON P0N1H0

Between: 12977036 Canada Inc. Landlord

And

Dennis Charbonneau and Tina
Charbonneau

Tenants

12977036 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Dennis Charbonneau and Tina Charbonneau (the 'Tenants') and for the Tenants to pay the rent they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on January 18, 2023 with respect to application LTB-L-028991-22.

The Landlord's application was resolved by order LTB-L-012622-23, issued on April 18, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-012622-23 on April 26, 2023.

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

The Landlord Representative Amanda Nigneau and the Tenant Tina Charbneau attended the hearing.

Determinations:

1. 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-012622-23.
2. Tenant didn't dispute the fact that they failed to meet the conditions agreed to in the mediated settlement. The Tenant failed to pay the lawful monthly rent when it came due on February 1, 2023.
3. The Tenant testified that they failed to meet the condition due to a break down in their personal relationship and requested that the previously agreed payment plan be revised so as to require them to make a payment of \$1500.00 towards the arrears as early as June 15, 2023 and an additional \$1,000.00 on or before the last day of each month thereafter.

4. In response the Landlord Representative submitted that the arrears had already exceeded \$30,000.00 and that the Tenant had not made payment towards the arrears or rent since

Order Page 1 of 2

File Number: LTB-L-012622-23-SA

September 2021. Accordingly, it was their position that the payment plan proposed by the Tenant was unrealistic given the history and to grant it would be prejudicial.

5. Having considered the Tenants finances and the submissions made by the Landlord Representative, I am in agreement that the payment plan proposed by the Tenant is unrealistic and more to a point would span over four years and would therefore cause significant prejudice to the Landlord. Accordingly, I must deny the Tenants motion.

It is ordered that:

1. The motion to set aside Order LTB-L-012622-23, issued on April 26, 2023, is denied.
2. The stay of Order LTB-L-012622-23, is lifted immediately.

June 5, 2023

Date Issued

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.

Order Page 2 of 2