



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

**Citation:** 530645 Ontario Limited v Bettina Cummings, 2023 ONLTB 39882

**Date:** 2023-05-31

**File Number:** LTB-L-003216-23-SA

**In the matter of:** 307, 755 ROGER ST  
SARNIA ON N7S2S8

**Between:** 530645 Ontario Limited Landlord

**And**

Bettina Cummings Tenant

2023 ONLTB 39882 (CanLII)

530645 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Bettina Cummings (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in order issued by the LTB on October 25, 2022, with respect to application LTB-L-005483-22.

The Landlord's application was resolved by order LTB-L-003216-23, issued on March 8, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-003216-23. The motion was heard by videoconference on May 8, 2023.

The Landlord's Agent, Donna Smithson, the Landlord's Legal Representative, Debbesha Morris, the Tenant and the Tenant's Legal Representative, Melissa Bradley, attended the hearing.

### Determinations:

1. The Tenant does not dispute she breached the mediated settlement by not paying \$705.80 on or before November 30, 2023.
2. The Tenant paid the amount in full on December 7, 2022.
3. As of the hearing date, the Tenant has fully complied with the October 25, 2022 order.
4. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-003216-23.

### It is ordered that:

1. The motion to set aside Order LTB-L-003216-23, issued on March 8, 2023, is granted. Order LTB-L-003216-23 is set aside and cannot be enforced.

**May 31, 2023**

**Date Issued**

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Khalid Akram

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.

2023 ONLTB 39882 (CanLII)