



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

Citation: Shah v Satamo, 2023 ONLTB 40441

Date: 2023-05-29 **File Number:**
LTB-L-070352-22-SA

In the matter of: House, 262 Elgin Street Madoc
Ontario K0K2K0

Between: Jashvant K Shah Landlord

And

Bill Satamo and Crystal Donlandson Tenants

Jashvant K Shah (the 'Landlord') applied for an order to terminate the tenancy and evict Bill Satamo and Crystal Donlandson (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on July 27, 2022 with respect to application LTB-L-003676-22.

The Landlord's application was resolved by order LTB-L-070352-22, issued on January 9, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-070352-22.

This motion was heard in videoconference on March 6, 2023.

The Landlord and the Tenant Crystal Donlandson attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the mediated settlement as agreed to by the parties, and issued by the Board on July 27, 2022 with respect to application LTB-L-003676-22.
2. The Tenant was unable to provide any reasons that the order should be set aside or that the application filed by the Landlord should be dismissed. The Tenant agreed that they

had failed to observe their payments obligations as per the previous order and submitted that they required one week to vacate the rental unit as of the time of hearing.

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3. The Landlord submitted that he had incurred the sheriff enforcement fee and claims this cost as part of the proceeding.
4. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-070352-22.

It is ordered that:

1. The motion to set aside Order LTB-L-070352-22, issued on January 9, 2023, is denied.
2. The stay of order LTB-L-070352-22 is lifted immediately.
3. On or before June 9, 2023, the Tenants shall pay to the Landlord \$366.60 for the enforcement fee the Landlord incurred.
4. If the Tenants do not pay the Landlord the full amount owing in accordance with paragraph 3 of this order, the Tenants will start to owe interest. This will be simple interest calculated from June 10, 2023 at 6.00% annually on the balance outstanding.

May 29, 2023

Date Issued

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

Alicia Johnson
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

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