



## **Order under Section 78(6) Residential Tenancies Act, 2006**

**Citation:** Tao v Chiassion, 2023 ONLTB 38353

**Date:** 2023-05-24 **File Number:**

LTB-L-012185-23-SA

**In the matter of:** 321 PALING AVE  
Hamilton ON L8H5J8

**Between:** Sheng Lin and Sihui Tao Landlords

**And**

Beverly Chiassion, Ericca Racette and Ryan Macpherson Tenants

Sheng Lin and Sihui Tao (the 'Landlords') applied for an order to terminate the tenancy and evict Beverly Chiassion, Ericca Racette and Ryan Macpherson (the 'Tenant's') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on February 6, 2023 with respect to application LTB-L-032532-22.

The Landlord's application was resolved by order LTB-L-012185-23, issued on February 6, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-012185-23.

The motion was heard by videoconference on May 11, 2023. The Landlords and the Tenants attended the hearing.

### **Determinations:**

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. The Tenants were ordered to pay the lawful monthly rent in full and on time as well as \$791.00 toward arrears and costs. The first arrears payment was \$13.00 short. When the Tenants became aware of this error, they paid the difference plus an additional amount to cover upcoming arrears payments. All other payments have been paid in full and on time.
3. I find, in all the circumstances, it is fair to grant the Tenants' motion.

**It is ordered that:**

1. The motion to set aside Order LTB-L-012185-23, issued on February 6, 2023, is granted.
2. Order LTB-L-012185-23, issued on February 6, 2023, is set aside and cannot be enforced.
3. Order LTB-L-032532-22 remains in effect.

**May 24, 2023**

**Date Issued**

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Greg Joy  
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.

