



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

Citation: Huaiqun (Peter) Zheng v James (Jim) Ryan Skinner, 2023 ONLTB 36295

Date: 2023-05-16 **File Number:**
LTB-L-009944-23-SA

In the matter of: 30 Underwood Drive
Whitby Ontario L1M1H8

Between: George Brown Professional Corporation, Landlords
Huaiqun (Peter) Zheng and Yanqing (Kate)
Shao

And

James (Jim) Ryan Skinner Tenant

George Brown Professional Corporation, Huaiqun (Peter) Zheng and Yanqing (Kate) Shao (the 'Landlords') applied for an order to terminate the tenancy and evict James (Jim) Ryan Skinner (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on March 16, 2022 with respect to application TEL-19453-21.

The Landlords' application was resolved by order LTB-L-009944-23, issued on March 16, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-009944-23.

The motion was heard by videoconference on May 1, 2023. The Landlord, represented by Wen Liu, and the Tenant, represented by Leon Presner, 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 Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

2. The Tenant was ordered to pay \$10,086.00 in arrears and costs. The final payment of \$350.00 was due on January 1, 2023. January 1, 2023 was a statutory holiday and the Tenant paid the \$350.00 on January 2, 2023, the first business day after January 1st.

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3. Considering the fact that the Tenant has paid all outstanding amounts owing to the Landlords, and the fact that that the Board's Rules provide for a payment on the first day after a statutory holiday, I find the Tenant's motion should be granted.

It is ordered that:

1. The motion to set aside Order LTB-L-009944-23, issued on March 16, 2022, is granted.
2. Order LTB-L-009944-23, issued on March 16, 2022, is set aside and cannot be enforced.

May 9, 2023

Date Issued

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.

