



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

Citation: Skyline Living v Andrew Scott, 2023 ONLTB 34187

Date: 2023-05-02 **File Number:**
LTB-L-004053-23-SA

In the matter of: 611, 275 Finch Dr
Sarnia ON N7S4Z8

Between: Skyline Living Landlord

And

Andrew Scott Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Scott (the 'Tenant').

The Landlord's application was resolved by order LTB-L-004053-23, issued on March 27, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-004053-23.

The motion was heard by videoconference on April 18, 2023.

The Landlord's agent, Maria Ceglie, and the Tenant attended the hearing.

Determinations:

1. The Tenant testified that he fell behind on the consent payment plan because he fell ill, missed work, and lost wages as a result.
2. He testified that the payment and was very tight and did not allow for lost work.
3. The parties agreed that subsequent to the Tenant's default in the payment plan, he has caught up and has now paid more than required by the payment plan.
4. He also testified that he has a three year old disabled son residing with him.
5. The Landlord was opposed to setting aside the ex parte order on the grounds that the Tenant breached the payment plan and might do so again.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-004053-23.

It is ordered that:

1. The motion to set aside Order LTB-L-004053-23, issued on March 27, 2023, is granted.

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2. Order LTB-L-004053-23, issued on March 27, 2023, is set aside and cannot be enforced.
3. Order LTB-L-010834-22 is unchanged.

May 2, 2023

Date Issued

Richard Ferriss

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.

