



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

Citation: Quinn v Keating, 2023 ONLTB 29417

Date: 2023-04-05

File Number: LTB-L-007085-23-SA

In the matter of: 2, 10 CONNAUGHT AVE S
HAMILTON ON L8M3C2

Between: 284700 Ontario Inc.,
Meissy Quinn and
Peter Riccio

Landlords

And

Mathew Keating and
Tanya Davies

Tenants

284700 Ontario Inc., Meissy Quinn and Peter Riccio (the 'Landlords') applied for an order to terminate the tenancy and evict Mathew Keating and Tanya Davies (the 'Tenants') because the Tenants failed to meet a condition specified in the order issued by the Board on December 5, 2022 with respect to application LTB-L-002222-21-AM.

The Landlords' application was resolved by order LTB-L-007085-23, issued on March 6, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-007085-23.

The motion was heard by videoconference on March 23, 2023. The Landlord, P. Riccio, the Landlords' legal representative, B. Altun, and the Tenants attended the hearing.

Determinations:

1. Order LTB-L-002222-21-AM issued on December 5, 2022 provided that the Landlords could apply to the Board 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 they did not meet certain condition(s) specified in the order.
2. The Landlords claim that the Tenants breached the order by failing to pay the full monthly rent for November 2022 rent on or before November 1, 2022.
3. At the hearing, the Tenants submitted that they did not breach the order. Submitted into evidence was a screenshot of an E-transfer receipt, identifying that on November 1, 2022, the Tenants successfully deposited \$1,615.20 into the Landlords' account. They submitted that the amount represents the lawful rent (\$1,495.20) and use of the garage (\$120.00). The Landlords agreed that the Tenants paid the full monthly rent on November 1, 2022.

4. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-007085-23. As such, the Tenants' set aside motion is granted.

It is ordered that:

1. The motion to set aside Order LTB-L-007085-23, issued on March 6, 2023, is granted.
2. Order LTB-L-007085-23, issued on March 6, 2023, is set aside and cannot be enforced.

April 5, 2023
Date Issued

Camille Tancioco
Member, Landlords and Tenants 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.