



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

**Citation:** IMH Pool XVIII LP v Tupanceska, 2023 ONLTB 21014

**Date:** 2023-03-23

**File Number:** LTB-L-000538-23-SA

**In the matter of:** 602, 1110 CAVEN ST  
MISSISSAUGA ON L5G4N4

**Between:** IMH Pool XVIII LP Landlord

**And**

Katerina Tupanceska Tenant

IMH Pool XVIII LP (the 'Landlord') applied for an order to terminate the tenancy and evict Katerina Tupanceska (the 'Tenant') and for an order to have the Tenant pay the rent and compensation she owes because she failed to meet a condition specified in the mediated order by the Board issued on September 20, 2022 with respect to application LTB-L-012431-22.

The Landlord's application was resolved by order LTB-L-000538-23, issued on September 20, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-000538-23.

The motion was heard by videoconference on March 14, 2023.

The Landlord's Representative, Sean Beard and the Tenant attended the hearing.

### **Determinations:**

1. After considering all of the circumstances, I find that it would be fair to set aside order LTB-L-000538-23.
2. The Tenant paid rent on the November 1, 2022 and has been in constant communication with the Landlord about arrears. On March 13, 2023, a cheque for \$9,427.52 (outstanding balance of arrears) on the Tenant's behalf has been mailed to the Landlord as per email communication between the Tenant, Natasha Dixon from the Region of Peel and the Landlord's two employees as the email communication chain dated March 10, 2023. Although it's acknowledged the Landlord has not yet received the cheque which is enroute via Canada Post, it is reasonable cause to grant the Tenant's motion since upon receipt of that cheque, the Tenant will have paid the Landlord all the arrears and costs owing to March 31, 2023, to void Order LTB-012431-22 issued on September 20, 2022.

### **It is ordered that:**

1. The motion to set aside Order LTB-L-000538-23, issued on September 20, 2022, is granted.
2. Order LTB-L-000538-23, issued on September 20, 2022, is set aside and cannot be enforced.

**March 23, 2023**

**Date Issued**

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Sandra Macchione

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.