



**Order under Section 77(8)
Residential Tenancies Act, 2006**

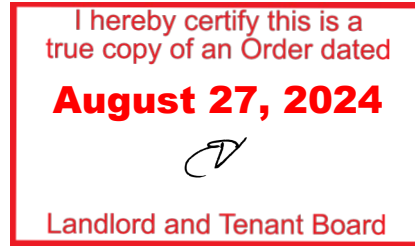
File Number: LTB-L-038493-24-SA

In the matter of: 507, 21 Nelson Street
Toronto ON M5V1T8

Between: Jarnail Singh

And

Horatio Nelson Yeung



Landlord

Tenant

Jarnail Singh (the 'Landlord') applied for an order to terminate the tenancy and evict Horatio Nelson Yeung (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on May 3, 2024, with respect to application LTB-L-086149-23.

The Landlord's application was resolved by order LTB-L-038493-24, issued on May 3, 2024. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-038493-24.

The motion was heard by videoconference on August 6, 2024.

The Landlord, the Landlord's Legal Representative Moezzam Alvi and the Tenant attended the hearing. The Tenant spoke with Duty Counsel prior to the hearing.

Determinations:

1. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-038493-24.
2. The order provided that the Landlord could 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 did not meet certain condition(s) in the order.
3. The Tenant does not dispute that he failed to pay the arrears of \$1,000.00 and to pay the full lawful rent of \$2,050.00 on or before May 17, 2024.
4. The Tenant testified with honesty that his business venture and investments failed. He does not dispute that he has not paid rent for the months of June, July and August 2024. He simply asks the Board to give him more time to arrange his affairs and move out.
5. On the basis of the evidence and submissions before the Board, and having considered the Tenant's position, it would be unfair to the Landlord to set aside the order. Therefore, the motion is denied.

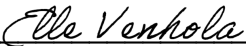
6. With respect to the question of when to lift the stay, the Tenant agrees to vacate the premises on or before August 31, 2024. The Landlord does not oppose this proposal. Therefore, an order will issue accordingly.

It is ordered that:

1. The motion to set aside Order LTB-L-038493-24, issued on May 3, 2024, is denied.
2. The stay of Order LTB-L-038493-24, is lifted on August 31, 2024.

August 27, 2024

Date Issued



Elle Venhola
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.