

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

**File Number:** SOL-25357-21-SA

**In the matter of:** UPPER UNIT, 121 MEMORIAL DRIVE  
BRANTFORD ON N3R5S4

**Between:** Pamela O'hagan  
Glenn Brown

**and**

Melissa Whiting  
Shaun Whiting

**I hereby certify this is a  
true copy of an Order dated**

January 25, 2022

*LC*

**Landlord and Tenant Board**

Landlords

Tenants

Pamela O'Hagan and Glenn Brown (the 'Landlords') applied for an order to terminate the tenancy and evict Melissa Whiting and Shaun Whiting (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on October 5, 2021 with respect to application SOL-22788-21.

The Landlords' application was resolved by order SOL-25357-21, issued on November 19, 2021. The Tenants filed a motion to set aside order SOL-25357-21.

This motion was heard by videoconference on January 14, 2022.

The Landlords and the Tenants attended the hearing. The Tenants were assisted by Tenant Duty Counsel, André-Paul Baillargeon-Smith.

The parties before the Board consented to the following order:

I am satisfied that the parties understood the consequences of their consent. In particular, I am satisfied that the Tenant understood the consequence of terminating the tenancy.

**On consent, it is ordered that:**

1. The lawful monthly rent increased to \$1,527.77 effective January 1, 2022.
2. The motion to set aside order SOL-25357-21, issued on November 19, 2021, is granted.
3. Order SOL-22788-21 issued on October 5, 2021 is cancelled and replaced with the following order.
4. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 28, 2022.

5. If the unit is not vacated on or before February 28, 2022, then starting March 1, 2022, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after March 1, 2022.
7. The last month's rent deposit shall be applied to the rent for February 2022.
8. The arrears and costs owing to January 31, 2022 total \$11,138.40.
9. The Tenants shall pay to the Landlord \$1,527.77 on or before February 1, 2022.
10. If the Tenants fail to make the payment outlined in paragraph 8 of this order, the Landlord may without notice to the Tenants and within 30 days of the breach, apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants earlier than February 28, 2022 and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after January 31, 2022.
11. If the Tenants do not pay the Landlords the full amount owing\* on or before February 28, 2022, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2022 at 2.00% annually on the balance outstanding.



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Sonia Anwar-Ali  
Member, Landlord and Tenant Board

**January 25, 2022**  
**Date Issued**

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 1, 2022 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.