



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

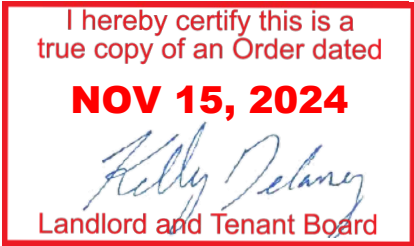
File Number: LTB-L-066210-24-SA

In the matter of: 1304, 130 RIVER ST
TORONTO ON M5A0R8

Between: PATRICK LAM
JULIANA LAM

And

ISAAC BEN-DANIEL
DAVID BEN-DANIEL



Landlord

Tenant

PATRICK LAM and JULIANA LAM (the 'Landlord') applied for an order to terminate the tenancy and evict ISAAC BEN-DANIEL and DAVID BEN-DANIEL (the 'Tenants') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on August 2, 2024, with respect to application LTB-L-047805-24.

The Landlord's application was resolved by order LTB-L-066210-24, issued on September 9, 2024. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-066210-24 on September 18, 2024.

This motion was heard by videoconference on November 12, 2024, at 09:00 am .

The Landlord Representative Petar Guzina and the Tenants attended the hearing.

Determinations:

There was a breach of the previous order.

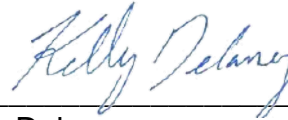
1. The Tenants failed to meet a condition specified in the order issued by the LTB on August 2, 2024, with respect to application LTB-L-047805-24.
2. Specifically, the Tenants testified that they failed to pay the August 2024 rent and the August 2024 arrears payment. They also requested that eviction be delayed until November 30, 2204.
3. In response the Landlord Representatives submitted that the Tenants had failed to make any payments towards the rent or arrears since August, constituting further breaches of the previous order. This was uncontested by the Tenants.
4. The Landlord Representative then requested the Tenants motion be denied and the stay lifted immediately so as to not prejudice the Landlords further.

5. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-066210-24.
6. Specifically, given the Tenants did breach the previous order as determined in order LTB-L-066210-24, issued on September 9, 2024, and continued to breach since, to grant their motion and or delay the lifting of the stay would prejudice the Landlords. Accordingly, the Tenants motion is denied.
7. The stay of order LTB-L-066210-24 is lifted on immediately.

It is ordered that:

1. The motion to set aside Order LTB-L-066210-24, issued on September 9, 2024, is denied.
2. The stay of order LTB-L-066210-24 is lifted immediately.
3. Order LTB-L-066210-24 is unchanged.

November 15, 2024
Date Issued



Kelly Delaney
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.