



**Mar 21, 2025**

Landlord and Tenant Board

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

**File Number:** LTB-L-098689-24-SA

**In the matter of:** 43 OTTAWA ST N  
HAMILTON ON L8H3Y8

**Between:** Sabina Palka Landlord

**And**

Cassandra Musgrave Tenants  
Matthew Williams

Sabina Palka (the 'Landlord') applied for an order to terminate the tenancy and evict Cassandra Musgrave and Matthew Williams (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on October 22, 2024 with respect to application LTB-L-017853-24.

The Landlord's application was resolved by order LTB-L-098689-24, issued on December 27, 2024. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-098689-24.

This motion was heard by videoconference on March 13, 2025. The Landlord's representative, Karl Sadowski, and the Tenants attended the hearing. The Tenants declined the opportunity to speak with Tenant Duty Counsel on the hearing day.

**Determinations:**

1. The Tenants failed to meet a condition specified in the order issued by the LTB on October 22, 2024, with respect to application LTB-L-017853-24.
2. The Tenants failed to pay the Landlord \$1,000.00 on or before November 30, 2024.
3. In the Tenants' motion materials, they submit that they paid the Landlord the required amount on November 30, 2024 as they were ordered to do and uploaded evidence in support of the payment to the portal. The Tenants also filed a copy of a motion to void the order and submit that they paid the Landlord \$1,186.00 on November 30, 2024 by interac Bank Transfer.
4. However, at the hearing, the Tenants evidence supported the Landlord's position that the payment was not made on November 30<sup>th</sup>.
5. Indeed, the evidence provided by the Tenants clearly shows the payment being made on December 1, 2024, and not on November 30, 2024, as the Tenants submitted and

declared. Accordingly, I find that the Tenants did breach the order with respect to the payment.

6. Additionally, the Tenants motion materials are misleading in stating that they have evidence to prove the payment was made on November 30<sup>th</sup>, when clearly it was not. The Tenants' declaration on the motion to void document is therefore knowingly false.
7. The Landlord submits that orders from the Board should be taken seriously and that the Tenants had more than 40 days in which to pay the funds required and elected to pay after they were required to do so. The Landlord argues that the Tenants should not receive the benefit of setting aside the order because they submitted false and misleading evidence to the Board and the Landlord should be able to proceed on the eviction having received the order lawfully. The Landlord also submits that the Tenants have paid nothing to the Landlord since December 1<sup>st</sup> and have not followed the order with respect to the daily compensation.
8. I agree with the Landlord that orders of the Board should be taken seriously and that the Tenants should not gain a benefit from submitting knowingly providing false and misleading evidence to the Board in order to stay the Landlord's order for eviction.
9. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-098689-24 issued on December 9, 2024.
10. The Tenants have lived in the rental unit for approximately 11 years, and they are a household of six, with children ranging in ages from 11 to 24. The Tenants have been searching for alternative housing; however, they have not found anything suitable within their desired price range and a forced move with little notice would be disruptive to their daily lives. The Tenants further explained that they had financial difficulty securing funds to pay the amount required and within the time required.
11. On this basis, I find it appropriate to give the Tenants additional time to secure alternative housing and I will order that the stay be lifted on April 30, 2025 rather than immediately.

**It is ordered that:**

1. The motion to set aside Order LTB-L-098689-24, issued on December 9, 2024, is denied.
2. The stay of order LTB-L-098689-24 is lifted April 30, 2025.
3. Order LTB-L-098689-24 is unchanged.

**March 21, 2025**  
**Date Issued**

  
Terri van Huisstede  
Member, Landlord and Tenant Board

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