



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

File Number: LTB-L-100527-25-SA

In the matter of: A-1201, 1425 BLOCK LINE ROAD
KITCHENER ON N2C0B9

Between: Benstar (No.4) LP Landlord

And

Arturo Jackson Tenant
Marissa Jackson

Benstar (No.4) LP (the 'Landlord') applied for an order to terminate the tenancy and evict Arturo Jackson and Marissa Jackson (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on August 25, 2025 with respect to application LTB-L-046232-25.

The Landlord's application was resolved by order LTB-L-100527-25, issued on December 8, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-100527-25.

This motion was heard by videoconference on January 14, 2026.

The Landlord's Legal Representative Sean Beard and the Tenant Marissa Jackson attended the hearing.

At the hearing, the parties before the Board consented to the following order. I was satisfied the parties understood the consequences of the joint position.

On consent of the parties, it is ordered that:

1. The motion to set aside Order LTB-L-100527-25, issued on December 8, 2025, is granted.
2. Order LTB-L-100527-25, issued on December 8, 2025, is set aside and cannot be enforced.
3. The Landlord's application under section 78 of the Act is dismissed.
4. The previous order issued on August 25, 2025 with respect to LTB-L-046232-25 is cancelled and replaced with the following:

5. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
6. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$3,000.00 if the payment is made on or before January 31, 2026.

OR

 - \$5,264.00 if the payment is made on or before February 22, 2026.
7. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after February 22, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
8. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before February 22, 2026.**
9. If the Tenants do not void the order, the Tenants shall pay to the Landlord compensation of \$74.43 per day for the use of the unit starting January 15, 2026 until the Tenants move out of the unit.
10. As of the date of the hearing, the rent deposit (\$2,264.00) and interest owing on the rent deposit (\$1.82) exceeds the arrears of rent, compensation owing to the hearing date and the cost of filing the original application the Landlord is entitled to by \$487.80. However, the Landlord is authorized to deduct from the amount owing to the Tenants \$74.43 per day for compensation for the use of the unit starting January 15, 2026 until the date the Tenants move out of the unit.
11. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
12. If the unit is not vacated on or before February 22, 2026, then starting February 23, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
13. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 23, 2026.

January 22, 2026
Date Issued

John Cashmore
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 23, 2026 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.