



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

File Number: LTB-L-096226-25-SA

In the matter of: 104, 77 Tecumseh Avenue West
London, ON N6J1K8

Between: Homes Unlimited (London) Ltd. c/o M. F. Arnsby Property Management Ltd. Landlord

and

Benjamin Marshall Tenant

SET ASIDE MOTION ORDER ON CONSENT

Homes Unlimited (London) Ltd. c/o M. F. Arnsby Property Management Ltd. (the 'Landlord') applied in a L4 application seeking an order to terminate the tenancy and evict Benjamin Marshall (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Landlord claimed the Tenant did not meet a condition specified in the mediated settlement signed by the parties on October 7, 2025 with respect to L1 application LTB-L-071133-25.

The Landlord's L4 application was resolved by order LTB-L-096226-25, issued on November 24, 2025, which terminated the tenancy effective December 5, 2025 (the 'L4 Order'). This order was issued without a hearing being held.

The Tenant filed a motion to set aside the L4 Order.

The motion was heard by videoconference on December 22, 2025. The Tenant attended the motion with his support person Denise Mcasay (his mother). The Landlord's representative Jennifer Smith (paralegal) also attended the motion.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

It is ordered on consent that:

1. The Landlord's legal representative advised that the Landlord consents to the Tenant's motion to set aside, and that the L1 application has been discontinued.

2. The representative confirmed that the Tenant has paid all rent arrears and costs owing from the previous mediated settlement order, and that the application has been discontinued to November 30, 2025.

It is ordered that:

3. The L4 Order LTB-L-096226-25 issued on November 24, 2025 is set aside and cannot be enforced.
4. The Landlord's L1 application for an order terminating the tenancy and evicting the Tenant based on rent arrears has been discontinued. The previous order issued on October 7, 2025 with respect to application LTB-L-071133-25 is cancelled and replaced by this order that the application is discontinued to November 30, 2025. The LTB's file is now closed.

January 21, 2026
Date Issued

Michelle Tan

Vice Chair, 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.