



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

File Number: LTB-L-106327-25-SA

In the matter of: 5, 97 BARNESDALE BLVD
HAMILTON ON L8M2V5

Between: 13315851 Canada Inc. Landlord

and

Ashlynnne Charles Tenant

13315851 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Ashlynnne Charles (the 'Tenant') 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 July 29, 2025 with respect to application LTB-L-035084-25.

The Landlord's application was resolved by order LTB-L-106327-25, issued on January 7, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-106327-25.

This motion was scheduled to be heard by videoconference on February 3, 2026. Instead, the Landlord's Agent Sonny Obispo, the Landlord's Legal Representative Kelly Hawkes and the Tenant engaged in private settlement discussions.

Parties reached an agreement and requested an order on consent to resolve the motion.

The parties agreed that:

1. The Landlord is holding a last month's rent deposit in the amount of \$1,145.00. It was collected January 15, 2022.
2. The Landlord owes the Tenant \$106.76 for interest on the last month's rent deposit.
3. The monthly rent is currently \$1,219.75 making the difference \$74.75.
4. The interest of \$106.76 minus the difference in rent owing of \$74.75 equals \$32.01.

On consent of the parties, it is ordered that:

1. The motion to set aside Order LTB-L-106327-25, issued on January 7, 2026, is granted.

2. Order LTB-L-106327-25, issued on January 7, 2026, is set aside and cannot be enforced.
3. The previous order issued on July 29, 2025, with respect to LTB-L-035084-25 is amended as follows:
4. The Tenant shall pay to the Landlord \$1,443.74 for arrears of rent up to February 28, 2026, costs and accounting for the \$32.01 deduction.
5. The Tenant shall pay to the Landlord the amount set out in paragraph 4 in accordance with the following schedule:
 - \$500.00 on or before February 9, 2026
 - \$500.00 on or before March 9, 2026
 - \$443.74 on or before April 6, 2026
6. If the Tenant fails to make any of the payments, then the outstanding balance becomes immediately due and payable and the balance will begin to accrue interest. This will be simple interest calculated at the post-judgment interest rate determined under paragraph 207(7) of the Residential Tenancies Act, 2006 starting the day after the date of default.
7. The tenancy between the Landlord and the Tenant is terminated, as of March 31, 2026. The Tenants must move out of the rental unit on or before March 31, 2026.
8. If the unit is not vacated on or before March 31, 2026, then starting April 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 April 1, 2026.

February 5, 2026
Date Issued

Lindsay Phomin
Hearings Officer, 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.