



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

File Number: LTB-L-003541-26-SA

In the matter of: 41, 79 CLEARVIEW HTS
TORONTO ON M6M 2A4

Between: ROSSVAN APARTMENTS

Landlord

and

FITZROY SMITH
JESSIE JEFFREY - SMITH

Tenants

ROSSVAN APARTMENTS (the 'Landlord') applied for an order to terminate the tenancy and evict FITZROY SMITH and JESSIE JEFFREY - SMITH (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 July 25, 2025 with respect to application LTB-L-035850-25.

The Landlord's application was resolved by order LTB-L-003541-26 issued on January 21, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-003541-26.

The motion was scheduled to be heard on February 25, 2026 by video conference. Before the start of the hearing, the parties engaged in private settlement discussions and advised that they had reached a settlement to resolve all matters at issue in the Tenants' motion. They requested an order on consent. The matter was referred to Dispute Resolution Officer (DRO) Denise Hannivan to assist in finalizing the terms and issuing the requested order.

The Landlord's Representative Geoff Paine and Tenant Jessie Jeffrey – Smith, who had authorization to consent on behalf of the other Tenant, were present. Tenant Jessie Jeffrey – Smith did not receive legal advice about this application.

Upon reviewing the terms of the consent with the parties, I was satisfied that the parties understood the terms and consequences of their consent.

Agreed Facts:

- 1) The Landlord consents to the Tenants' motion to set aside order LTB-L-003541-26.
- 2) The Landlord Representative advised the LTB that prior to the hearing, the Tenants paid all the rent that was in arrears and all additional rent that would have been due under the tenancy agreement for the period ending February 28, 2026.

It is ordered on consent of the parties that:

1. The motion to set aside Order LTB-L-003541-26 issued on January 21, 2026 is granted.
2. Order LTB-L-003541-26 issued on January 21, 2026 is set aside and cannot be enforced.
3. The previous order issued on July 25, 2025 with respect to LTB-L-035850-25 is cancelled and replaced with this order.
4. The Landlord's L1 application for an order terminating the tenancy and evicting the Tenants based upon arrears of rent is discontinued.
5. This order is in full and final settlement of this application.

March 2, 2026
Date Issued

Denise Hannivan
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.