



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

File Number: LTB-L-104347-25-SA

In the matter of: 20, 1477 UPPER WENTWORTH ST
HAMILTON ON L9B2G3

Between: Liuna Hamilton Association c/o DMS Property Management Ltd. Landlord

And

David Thompson Tenant
Kim Tupin

Liuna Hamilton Association c/o DMS Property Management Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict David Thompson and Kim Tupin (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 June 12, 2025 with respect to application LTB-L-024920-25.

The Landlord's application was resolved by order LTB-L-104347-25, issued on December 11, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-104347-25.

This motion was heard by videoconference on January 13, 2026.

The Landlord's Legal Representative Frank Anthony Calcagni, the Tenant Kim Tupin, and the Tenant's support person Kaitlyn Tupin attended the hearing.

When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant at the top of the order.

At the hearing the parties consented to the following order in full and final satisfaction of all issues in this application. I am satisfied the parties understood the terms.

It is ordered on consent that:

1. Order LTB-L-104347-25, issued on December 11, 2025, is set aside and cannot be enforced.
2. The previous order issued on June 12, 2025, with respect to LTB-L-024920-25 is amended as follows:

3. The Tenant shall pay to the Landlord \$6,409.83 for arrears of rent up to January 31, 2026. This amount includes the Landlord's cost for filing the application.
4. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

Payment Date	Payment Amount
January 16, 2026	\$1,500.00
February 20, 2026	\$550.00
March 20, 2026	\$550.00
April 20, 2026	\$550.00
May 20, 2026	\$550.00
June 20, 2026	\$550.00
July 20, 2026	\$550.00
August 20, 2026	\$550.00
September 20, 2026	\$550.00
October 20, 2026	\$509.83

5. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period February 1, 2026, to October 1, 2026, or until the arrears are paid in full, whichever date is earliest.
6. Section 78 of the Residential Tenancies Act, 2006, S.O. 2006, c.17 applies to this Order. If the Tenant fails to make any of the payments in accordance with paragraphs 4 and 5 of this order, the Landlord may apply at no cost, and without notice to the Tenant, for an order to terminate the tenancy and evict the Tenant. The Landlord must make this application within 30 days of a breach of a condition set out in this Order.

March 5, 2026
Date Issued

Kyle Anderson
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.