



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

File Number: LTB-L-005225-26-SA

In the matter of: 201, 10 AUSTIN DR
WATERLOO ON N2L 3Y1

Between: Dan Bjerre Landlord

And

Samantha Maxwell Tenants
Jeff Nicol

Dan Bjerre (the 'Landlord') applied for an order to terminate the tenancy and evict Samantha Maxwell and Jeff Nicol (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 May 5, 2025, with respect to application LTB-L-005721-25.

The Landlord's application was resolved by order LTB-L-005225-26, issued on January 27, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-005225-26 on January 27, 2026.

This motion was heard by videoconference on March 4, 2026. Instead, the Landlord, Dan Djerre, and the Tenants, Samantha Maxwell and Jeff Nicol participated in a mediation session. Parties reached an agreement and requested an order on consent to resolve the motion.

Agreed Facts:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The lawful rent is \$1733.53. It is due on the 1st day of each month.
3. The rent arrears owing to March 31, 2026, are \$5,944.90.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The Landlord collected a rent deposit of \$1650.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

6. Interest on the rent deposit, in the amount of \$136.08 is owing to the Tenant for the period from September 1, 2022, to February 28, 2026.

On consent, it is ordered that:

1. The motion to set aside Order LTB-L-005225-26, issued on January 27, 2026, is granted.
2. Order LTB-L-005225-26, issued on January 28, 2026, is set aside and cannot be enforced.
3. The previous order issued on May 5, 2025, with respect to LTB-L- 005721-25 cancelled and replaced as follows:
4. The Tenants shall pay to the Landlord \$6130.90 which represents arrears of rent (5,944.90) plus the application filing fee (\$186.00) for the period ending March 31, 2026.
5. The Tenants shall pay to the Landlord the amount set out in paragraph 4 in accordance with the following schedule:
 - \$350.00 on March 4, 2026
 - \$1,400 on or before March 6, 2026
 - \$100.00 every Friday commencing March 16, 2026, to Friday, January 8, 2027 (43 weeks)
 - \$80.90 on or before January 15, 2027.
6. If the Tenants fail to comply with the conditions set out in paragraph 4 and 5 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenants.
7. The Tenants will start to owe simple interest calculated at 4.00% annually on the balance outstanding, also starting the day after the first payment was missed. The Landlord has the right to collect the balance outstanding under this Order on Consent.

March 11, 2026
Date Issued

Pauline Brewster
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.