



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

File Number: LTB-L-003696-26-SA

In the matter of: 113, 335 MELVIN AVE
HAMILTON ON L8H2K6

Between: Drake Property Management Landlord

and

Tim Marshall Tenant

SET SIDE MOTION ORDER ON CONSENT

Drake Property Management (the 'Landlord') applied in a L4 application seeking an order to terminate the tenancy and evict Tim Marshall (the 'Tenant') because the Landlord claimed the Tenant failed to meet a condition specified in the prior mediated agreement LTB-L-085545-25 issued by the LTB on January 7, 2026, with respect to N8/L2 application LTB-L-085545-25.

The Landlord's L4 application was resolved by order LTB-L-003696-26 issued on January 19, 2026, which terminated the tenancy effective January 30, 2026 (the 'L4 Order'). The L4 Order was issued without a hearing being held.

On January 28, 2026 the Tenant filed a S2 form (motion to set aside the L4 Order).

The set aside motion was heard by videoconference on February 23, 2026. The Tenant attended the hearing with agent Ersya Lybesha (housing legal advocate). The Landlord's legal representative Emily Barbaty (paralegal) also attended the hearing.

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 consented to the Tenant's set aside motion. The L4 Order LTB-L-003696-26 issued on January 19, 2026 is set aside, cancelled, cannot be enforced, and is replaced by this order.

2. The parties agreed that the original mediated agreement LTB-L-085545-25 issued on January 7, 2026 (from the L2 hearing scheduled on December 16, 2025) is confirmed and remains effective.

April 1, 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.