



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

File Number: LTB-L-106701-25-SA

In the matter of: UNIT 1, 401 10TH AVE
HANOVER ON N4N2N7

Between: Garrett OBrien Landlord

And

Tracey Taibinger Tenant
Walter Flanigan
Robert Molson

Garrett OBrien (the 'Landlord') applied for an order to terminate the tenancy and evict Tracey Taibinger, Walter Flanigan and Robert Molson (the 'Tenant') because the Tenant did not meet a condition specified in the mediated settlement signed by the parties on December 1, 2025 with respect to application LTB-L-096658-25.

The Landlord's application was resolved by order LTB-L-106701-25, issued on January 9, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-106701-25.

This motion was heard by videoconference on April 7, 2026.

The Landlord, the Landlord's agent, Lauren Knapton, and the Tenants Tracey Taibinger and Robert Molson attended the hearing.

The parties before the Board consented to the following order.

It is agreed that:

1. The Tenants breached the mediated agreement with respect to LTB-L-096658-25 issued on December 1, 2025.
2. The Landlord consents to the motion to set aside Order LTB-L-106701-25, issued on January 9, 2026.
3. The Tenant is advised that it is unlikely they would receive further relief in the event of another breach of the agreement.

It is ordered on consent that:

4. The motion to set aside Order LTB-L-106701-25, issued on January 9, 2026, is granted.
5. Order LTB-L-106701-25, issued on January 9, 2026, is set aside and cannot be enforced.
6. The mediated settlement signed by the parties on December 1, 2025 with respect to LTB-L-096658-25 is amended as follows:
 - a) The Tenants shall pay \$1,364.00 to the Landlord for arrears of rent up to April 20, 2026.
 - b) The Tenants shall pay the amount set out above in 4 installments of \$341.00 on the first of the month from May 1, 2026 to August 1, 2026.
 - c) The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing on or before the 1st of each month for the period of May 1, 2026 to August 1, 2026, or until the arrears are paid in full, whichever date is earlier.
 - d) If the Tenants fail to make any of the payments required under 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.

April 13, 2026
Date Issued

Dawn Carr
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.