



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

File Number: LTB-L-022669-26-SA

In the matter of: 802, 340 COCHRANE RD
HAMILTON ON L8K6H7

Between: C Valery Construction o/a Valery Properties Landlord

And

David Gary Tucker Tenant

C Valery Construction o/a Valery Properties (the 'Landlord') applied for an order to terminate the tenancy and evict David Gary Tucker (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 January 29, 2026 with respect to application LTB-L-095557-25.

The Landlord's application was resolved by order LTB-L-022669-26, issued on March 16, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-022669-26.

This motion was heard by videoconference on April 22, 2026. The Landlord's representative Tina Novak and the Tenant's representative Emily O'Keefe, attended the hearing.

The Landlord consents to the Tenant's motion to set aside. The parties agree the Tenant owes the Landlord \$1,973.60 in arrears and costs to the end of April 2026.

At the hearing the parties consented to the following order.

On consent it is ordered that:

1. The motion to set aside Order LTB-L-022669-26, issued on March 16, 2026, is granted.
2. Order LTB-L-022669-26, issued on March 16, 2026, is set aside and cannot be enforced.
3. Order LTB-L-095557-25 is cancelled and replaced with the following:
4. The Tenant shall pay to the Landlord \$1,973.60 as follows:
 - The Tenant shall pay to the Landlord \$140.00 on or before the 15th day of each consecutive month commencing May 2026 and continuing through May 2027.

- The Tenant shall pay to the Landlord \$153.60 on or before June 15, 2027.
5. The Tenant shall also pay to the Landlord the lawful rent in full and on time for each consecutive month commencing May 2026 and continuing through June 2027, or until the arrears and costs are paid in full.
 6. In the event the Tenant fails to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenant, for an Order terminating the tenancy and evicting the Tenant and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

April 24, 2026

Date Issued

Greg Joy

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.