



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

File Number: LTB-L-013624-26-SA

In the matter of: UPPER, 354 WELLINGTON ST
SARNIA ON N7T1H6

Between: Jeffrey Wickens Landlord

And

Brandon Paradis Tenants
Marlene "Ruth" McIntock

Jeffrey Wickens (the 'Landlord') applied for an order to terminate the tenancy and evict Brandon Paradis and Marlene "Ruth" McIntock (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 mediated settlement signed by the parties on February 5, 2026 with respect to application LTB-L-095348-25.

The Landlord's application was resolved by order LTB-L-013624-26, issued on February 17, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-013624-26.

This motion was heard by videoconference on May 19, 2026. The Landlord represented by Maria Sturino, and the Tenants, attended the hearing.

Determinations:

1. The Tenants owed the Landlord \$9,586.00 in arrears and costs to the end of January 2026. With the assistance of a Board Dispute Resolution Officer, the Tenants agreed to pay rent in full and on time and to make a \$2,500.00 payment toward arrears on or before February 19, 2026, \$1,000.00 on or before February 28th, \$1,000.00 on or before March 5th, \$1,400.00 on or before the 16th of March, April and May, with a final payment of \$886.00 on or before June 16th. As of the date of this hearing the amount the Tenants owe should have been reduced to \$886.00.
2. The amount the Tenants currently owe has increased to \$11,686.00.
3. The Tenants' set aside motion was to have heard on March 30, 2026. At the hearing, Mr. Paradis told the Member that he was getting ready to be picked up for surgical prep at 1:15pm. The Member wrote on the adjournment sheet that the Tenant stated that he was

in distress and throwing up blood at the time of the hearing. The Tenant was instructed to upload a record of hospitalization before the next hearing. The Tenants have provided no evidence of hospitalization as instructed by the Member.

4. The Tenants claim that the Landlord refuses to accept the payments they have attempted to make. This submission does not seem reasonable in light of the fact that the lawful monthly rent is \$1,400.00, which means that \$5,600.00 rent has become due since the order was issued and the arrears have increased by \$2,100.00. As a result, the Landlord has accepted \$3,500.00 from the Tenants.
5. The Landlord testified that he has not refused accept any payments from the Tenants. The Landlord also points to text messages from Mr. Paradis that state he would pay \$4,900.00 on April 3rd and that the rest will be available between May 10th and 15th before they move out. Another text says he completely forgot the bank is closed. The Landlord responded that he will be around tomorrow.
6. The Landlord testified that the Tenant had texted him stating that he had a place lined up and would be moving soon asking for \$2,000.00 in exchange for moving.
7. The Tenants denied the request for compensation. The Landlord submitted copies of the text messages which confirm the request
8. The messages also state that they could be out in 4 - 5 days no more court no more prolonging. If not they would have to go to court on the 19th and prolong it till I have the money for a U-Haul and other expenses.
9. Considering the fact the Tenants texted the Landlord about having \$4,900.00 to pay with the rest of the money by May 15th, it makes little sense the Tenants did not have the money for a U-Haul and expenses.
10. Despite confirming at the hearing that the text was sent from Mr. Paradis's phone number, the Tenant testified that his brother sent the text.
11. Based on all the evidence of text messages sent to the Landlord from Mr. Paradis's phone, I find that the Tenant sent the text messages.
12. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-013624-26.

It is ordered that:

1. The motion to set aside Order LTB-L-013624-26, issued on February 17, 2026, is denied.
2. The stay of order LTB-L-013624-26 is lifted immediately.
3. Order LTB-L-013624-26 is unchanged.

May 26, 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.