



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Bhagwandin v Smith-Tracy, 2024 ONLTB 20425

Date: 2024-03-28

File Number: LTB-L-021061-24

In the matter of: 1, 658 SIMCOE ST N
OSHAWA ON L1G4V4

Between: Dhaniram Bhagwandin

Landlord

And

Amanda Genise Smith-Tracy

Tenant

I hereby certify this is a
true copy of an Order dated

Mar 28, 2024

Landlord and Tenant Board

Dhaniram Bhagwandin (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda Genise Smith-Tracy (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 12, 2024, with respect to application LTB-L-083333-23.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following condition(s) specified in the order:
 1. **The Tenant failed to pay the full \$2,000.00 towards arrears on or before March 10, 2024.**
 2. **The Tenant failed to pay to the Landlord the lawful rent of \$1,975.00 in full and on time, on or before February 10, 2024.**

It is ordered that:

1. Order LTB-L-083333-23 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 8, 2024.

3. If the unit is not vacated on or before April 8, 2024, then starting April 9, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after April 9, 2024.

March 28, 2024
Date Issued



James McMaster
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

The Tenant has until April 7, 2024, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by April 7, 2024, the order will be stayed and the LTB will schedule a hearing.

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 8, 2024, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.