



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

Citation: Mcewen v Kelly, 2023 ONLTB 57738

Date: 2023-08-29

File Number: LTB-L-056767-23

In the matter of: B, 30 HICKSON AVE  
KINGSTON ON K7K2N5

Between: Shannon Mcewen

And

Skyler Kelly

I hereby certify this is a  
true copy of an Order dated  
**AUG 29, 2023**  
Landlord and Tenant Board

Landlord

Tenant

On August 10, 2023, Shannon Mcewen (the 'Landlord') applied for an order to terminate the tenancy and evict Skyler Kelly (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on June 14, 2023, with respect to application LTB-L-019435-23-SA.

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 specified in the order: **The Tenant failed to pay the full \$1,000.00 towards arrears on or before July 15, 2023**

### It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before September 9, 2023.
2. If the unit is not vacated on or before September 9, 2023, then starting September 10, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 September 10, 2023.

**August 29, 2023**  
Date Issued

  
Ian Speers  
Associate Chair, Landlord and Tenant Board

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

The Tenant has until September 8, 2023, 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 September 8, 2023, 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 March 10, 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.