



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

**File Number:** SWL-58438-22

**In the matter of:** 2, 104 HARVEY STREET  
CHATHAM ON N7M1M3

**Between:** Abhay Fernandez

**and**

Rick De Laet

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

**OCT 20, 2022**

Landlord and Tenant Board

Landlord

Tenant

Abhay Fernandez (the 'Landlord') applied for an order to terminate the tenancy and evict Rick De Laet (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the order issued by the Board on December 29, 2021, with respect to application SWL-56074-21.

This application was heard via video conference on September 29, 2022.

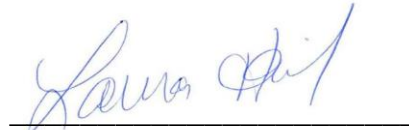
Only the Landlord attended the hearing.

**Determinations:**

1. The order provided that the Landlord could apply to the Board 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 did not meet certain conditions specified in the order.
2. The order also instructed the Tenant to pay the monthly rent in full and on time until the arrears were paid in full. The Landlord says the arrears were paid in full by February 22, 2022. This means the Tenant's obligation to pay rent on time pursuant to the consent order ended on February 28, 2022.
3. The Landlord filed this application on July 15, 2022. Pursuant to subsection 78(5) of the Act, an L4 application shall not be filed more than 30 days after a failure of a tenant to meet a condition outlined in the original order. As the Tenant's obligations regarding the order ended on February 28, 2022, the Landlord's L4 application is out of time and must be dismissed.

**It is ordered that:**

1. The Landlord's application is dismissed.



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**Laura Hartslief**  
Member, Landlord and Tenant Board

**October 20, 2022**  
**Date Issued**

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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