



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

**Citation:** Michael J. Preston v Erin Brittan, 2023 ONLTB 39078

**Date:** 2023-05-31

**File Number:** LTB-L-038207-23

**In the matter of:** Lower, 315 Rodger Road Orillia  
ON L3V6M1

**Between:** Lakeview Realty Inc. and Michael J. Preston Landlords

**And**

Erin Brittan Tenant

Lakeview Realty Inc. and Michael J. Preston (the 'Landlords') applied for an order to terminate the tenancy and evict Erin Brittan (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 16, 2023 with respect to application LTB-L073382-22.

This application was decided without a hearing being held.

### **Determinations:**

1. The order provides that the Landlords 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 to the Landlord the lawful rent on or before May 1, 2023.**

### **It is ordered that:**

1. Order LTB-L-073382-22 is cancelled.
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 11, 2023.

3. If the unit is not vacated on or before June 11, 2023, then starting June 12, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after June 12, 2023.

**May 31, 2023**

**Date Issued**

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Michael Di Salle

Member, Landlords and Tenant Board

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

The Tenant has until June 10, 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 June 10, 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 December 12, 2023 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.

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