



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

Citation: David Mckinnon v James Leclare, 2023 ONLTB 34960

Date: 2023-05-03

File Number: LTB-L-027450-23

In the matter of: MAIN FLOOR, 14 PRINCESS ST
BRANTFORD ON N3R1T8

Between: David Mckinnon Landlords
Suzanne Mckinnon

And

James Leclare Tenant

David Mckinnon and Suzanne Mckinnon (the 'Landlords') applied for an order to terminate the tenancy and evict James Leclare (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on February 13, 2023 with respect to application LTB-L-071221-22.

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 conditions specified in the order: **The Tenant failed to pay \$14,804.34 towards arrears, on or before March 31, 2023**

It is ordered that:

1. Order LTB-L-071221-22 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 May 14, 2023.
3. If the unit is not vacated on or before May 14, 2023, then starting May 15, 2023, the Landlords 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 Landlords on or after May 15, 2023.

May 3, 2023
Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until May 13, 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 May 13, 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 November 15, 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.