



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

Citation: PERLAS HOLDINGS LIMITED v Whitney, 2023 ONLTB 33961

Date: 2023-04-28

File Number: LTB-L-022831-23

In the matter of: 302, 44 EMMA ST
GUELPH ON N1E1T6

Between: PERLAS HOLDINGS LIMITED

Landlord

And

James Edward C Halls
Rachel Whitney

Tenants

On March 16, 2023, PERLAS HOLDINGS LIMITED (the 'Landlord') applied for an order to terminate the tenancy and evict James Edward C Halls and Rachel Whitney (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on March 9, 2023 with respect to application LTB-L-043453-22.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition specified in the order: **The Tenants failed to pay the lawful monthly rent on or before March 3, 2023.**

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 9, 2023.
2. If the unit is not vacated on or before May 9, 2023, then starting May 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 May 10, 2023.

April 28, 2023

Date Issued

Ian Speers

Associate Chair, Landlord and Tenant Board

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

The Tenants have until May 8, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by May 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 November 10, 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.

