



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

**Citation:** Heron Management v Hammond, 2023 ONLTB 32326

**Date:** 2023-04-20

**File Number:** LTB-L-013698-23

**In the matter of:** 2, 26 THERESA CRES  
KINGSTON ON K7K4G3

**Between:** Heron Management Landlord

**And**

Brittany Hammond Tenants  
Dustin McNeil

On February 11, 2023, Heron Management (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany Hammond and Dustin McNeil (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on July 18, 2022, with respect to application LTB-L-000741-21.

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 to the Landlord the lawful rent on or before February 1, 2023.**

**It is ordered that:**

1. Order LTB-L-000741-21 is cancelled.

2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 1, 2023.

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3. If the unit is not vacated on or before May 1, 2023, then starting May 2, 2023, the Landlord 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 Landlord on or after May 2, 2023.

**April 20, 2023**

**Date Issued**

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Michael Di Salle

Member, Landlord and Tenant Board

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

The Tenants have until April 30, 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 April 30, 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 2, 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.

