



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

**Citation:** Cagt Properties Inc. v Killeen, 2023 ONLTB 31269

**Date:** 2023-04-13

**File Number:** LTB-L-012425-23

**In the matter of:** 301, 6640 NOTRE DAME ST ORLEANS  
ON K1C1H1

**Between:** Cagt Properties Inc. c/o Filament Realty Management Landlord

**And**

Shannon Killeen Tenant

On February 8, 2023, Cagt properties Inc. c/o Filament Realty Management (the 'Landlord') applied for an order to terminate the tenancy and evict Shannon Killeen (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 20, 2022, with respect to application LTB-L-053599-22. 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 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 in full and on time, on or before February 1, 2023**

### It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 24, 2023.
2. If the unit is not vacated on or before April 24, 2023, then starting April 25, 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 April 25, 2023.

**April 13, 2023**

**Date Issued**

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Ian Speers

Associate Chair, Landlord and Tenant Board

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

The Tenant has until April 23, 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 April 23, 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 October 25, 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.

