



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

**Citation:** Neath v Jackson, 2023 ONLTB 28794

**Date:** 2023-03-31

**File Number:** LTB-L-009074-23

**In the matter of:** 28 AMHERST DR  
AMHERSTVIEW ON K7N0B2

**Between:** Catherine Neath and Paul (dan) Straat Landlord

**And**

Devon Jackson Tenant

Catherine Neath and Paul (dan) Straat (the 'Landlord') applied for an order to terminate the tenancy and evict Devon Jackson (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 22, 2023 with respect to application LTB-L-000354-22.

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 conditions specified in the order:

The Tenant did not pay the current utility bill issued in December 2022 on or before December 31, 2022.

The Tenant also did not register for e-billing from Loyalist Township Utilities, add Loyalist Township Utilities as a payee to her online bank account, and confirm in writing to the Landlords that this had been successfully set up on or before January 25, 2023.

The Tenant also did not pay the utility bill due January 9, 2023 within 10 days of receipt of the Loyalist Township Utilities e-bill.

### 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 11, 2023.

2. If the unit is not vacated on or before April 11, 2023, then starting April 12, 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 12, 2023.

**March 31, 2023**

**Date Issued**

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Lynn Mitchell

Member, Landlord and Tenant Board

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

The Tenant has until April 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 April 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 October 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.