



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

Citation: MANTLER MANAGEMENT LTD. v Whang, 2023 ONLTB 27836

Date: 2023-03-27

File Number: LTB-L-005182-23

In the matter of: 310, 60 LAVEROCK AVE
RICHMOND HILL ON L4C4J6

Between: MANTLER MANAGEMENT LTD. Landlord

and

Heather Whang and John Whang Tenants

MANTLER MANAGEMENT LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Heather Whang and John Whang (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on with respect to application TNL-36093-21.

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 does 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 and/or occupants interfered with the other residents or the Landlord's reasonable enjoyment, privileges, interests or lawful rights and specifically by screaming or yelling unnecessarily on December 28, 2022 and January 2, 2023, including yelling from the balcony of the unit.

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 April 07, 2023.
2. If the unit is not vacated on or before April 07, 2023, then starting April 08, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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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 08, 2023.

March 27, 2023

Date Issued

Lynn Mitchell

Member, Landlord and Tenants Board

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

The Tenants has until April 06, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by April 06, 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 08, 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.

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