



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

**Citation:** Enterprise REIT Operating LP v Gonzales, 2023 ONLTB 27747

**Date:** 2023-03-24

**File Number:** LTB-L-003912-23

**In the matter of:** 301, 255 BOLD ST HAMILTON  
ON L8P1W1

**Between:** Enterprise REIT Operating LP Landlord

**And**

Derron Gonzales Tenant

Enterprise REIT Operating LP (the 'Landlord') applied for an order to terminate the tenancy and evict Derron Gonzales (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 30, 2021 with respect to application SOL-19606-21.

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 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 Tenants did not pay the full rent for the month of January 1, 2023 on or before January 1, 2023

### **It is ordered that:**

1. Order SOL-19606-21 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 04, 2023.

3. If the unit is not vacated on or before April 04, 2023, then starting April 05, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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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 April 05, 2023.

**March 24, 2023**

**Date Issued**

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Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until April 03, 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 03, 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 05, 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.

