



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

**Citation:** Lakeview Realty Inc. and Preston v Prim, 2023 ONLTB 23978

**Date:** 2023-03-07

**File Number:** LTB-L-002970-23

**In the matter of:** 7, 159 BARRIE RD  
ORILLIA ON L3V2P6

**Between:** Michael J. Preston Landlords

**And**

Richard Pim Tenant

On December 1, 2022, Michael J. Preston (the 'Landlord') applied for an order to terminate the tenancy and evict Richard Pim (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on December 1, 2022 with respect to application LTB-L057683-22.

This application was decided without a hearing being held.

### Determinations:

1. The order provides that the Landlords 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 the lawful rent for November 2022 in full on or before November 1, 2022.**

### 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 March 18, 2023.
2. If the unit is not vacated on or before March 18, 2023, then starting March 19, 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 March 19, 2023.

**March 7, 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 March 17, 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 March 17, 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 September 19, 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.

\* Refer to the attached Summary of Calculations.

