



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

Citation: Darby Hall Realty Ltd. v Grant, 2023 ONLTB 23599

Date: 2023-03-03

File Number: LTB-L-002944-23

In the matter of: 412, 3121 Eglinton Avenue East Scarborough
ON M1J2G5

Between: Darby Hall Realty Ltd. Landlord

And

Anthony Grant Tenants Sandra Thomas

On November 29, 2022, Darby Hall Realty Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Grant and Sandra Thomas (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on February 11, 2022 with respect to application TEL-15827-21.

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 do 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 conditions specified in the order: **The Tenants failed to pay full lawful monthly rent on or before November 1, 2022. Further, the Tenants failed to pay \$392.33 towards arrears on or before November 1, 2023.**

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 March 14, 2023.
2. If the unit is not vacated on or before March 14, 2023, then starting March 15, 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 15, 2023.

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March 3, 2023

Date Issued

Ian Speers

Associate Chair, Landlord and Tenants Board

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

The Tenants has until March 13, 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 March 13, 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 15, 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.

