



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

**Citation:** Canadian Mental Health Association Toronto Branch v Hitchman, 2023 ONLTB 20473

**Date:** 2023-02-24

**File Number:** LTB-L-000198-23

**In the matter of:** 306, 2521 Lake Shore Blvd W  
Toronto ON M8V1E5

**Between:** Canadian Mental Health Association Toronto Branch Landlord

**And**

Michael Hitchman Tenant

Canadian Mental Health Association Toronto Branch (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Hitchman (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on June 16, 2021 with respect to application TSL-07948-19.

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 Tenant failed to prepare the rental unit for a pest control treatment which took place on October 17, 2022.**

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

1. Order TSL-07948-19 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 March 07, 2023.
3. If the unit is not vacated on or before March 07, 2023, then starting March 08, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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 March 08, 2023.

**February 24, 2023**  
**Date Issued**

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Kimberly Parish  
Member, Landlord and Tenant Board

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

The Tenant has until March 06, 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 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 August 27, 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.