



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

Citation: Magalhaes v Comeau, 2023 ONLTB 20251

Date: 2023-02-14

File Number: LTB-L-000385-23

In the matter of: 312 Cyr Avenue North  
Vanier Ontario K1L7N7

Between: Jose Magalhaes Landlord

And

Jean Pierre Comeau Tenant

On November 17, 2022, Jose Magalhaes (the 'Landlord') applied for an order to terminate the tenancy and evict Jean Pierre Comeau (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 9, 2022 with respect to application EAL-98189-21.

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 Tenant failed to pay \$1,500.00 towards arrears on or before November 10, 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 February 25, 2023.
2. If the unit is not vacated on or before February 25, 2023, then starting February 26, 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 February 26, 2023.

**February 14, 2023**  
Date Issued

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Ian Speers  
Associate Chair, Landlord and Tenant Board

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

The Tenant has until February 24, 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 February 24, 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 26, 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.