



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

File Number: LTB-L-090034-25

In the matter of: BSMT ROOM 4, 355 WEST 5TH STREET
HAMILTON ON L9C3P5

Between: Kandice Smith Landlord

And

Patrick McLean Tenant

Kandice Smith (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick McLean (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 24, 2025, with respect to application LTB-L-038865-25.

This application was decided without a hearing being held.

Special Note: as of December 12, 2025, the Landlord reports that the Tenant is currently in Unit #3 due to a flood in unit #4

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 the lawful monthly rent on time and in full due by December 1, 2025.

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 January 16, 2026.
2. If the unit is not vacated on or before January 16, 2026, then starting January 17, 2026, 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 January 17, 2026.

January 5, 2026
Date Issued

James McMaster
Member, Landlord and Tenant Board

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

The Tenant has until January 15, 2026, 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 January 15, 2026, 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 July 17, 2026, 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.