



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

File Number: LTB-L-000744-26

In the matter of: 203 Blackacres Blvd
London ON N6G2H1

Between: Capreit Limited Partnership Landlord

And

Rafael Capelluto Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Rafael Capelluto (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the Landlord and Tenant Board on August 25, 2025, with respect to application LTB-L-045551-25.

This application was decided without a hearing being held.

Determinations:

1. The previous order LTB-L-045551-25 is an order on consent which requires the Tenant to make payments to the Landlord towards the arrears and costs which total \$7,456.70 and to pay the ongoing monthly rent in full and on time for the period for which the arrears are owing.
2. An L4 application is an application made under section 78 of the Act and must be founded upon a previous order that contained an express provision that entitles the Landlord to apply for an order under section 78 upon breach of the previous order.
3. The previous order, LTB-L-045551-25 does not contain any section 78 provision, and therefore cannot be used to support an L4 application. While the Tenant may have failed to comply with order LTB-L-045551-25, the Landlord and Tenant Board has no jurisdiction to issue an order under section 78 of the Act, and the application must be dismissed.

It is ordered that:

1. The Landlord's application under section 78 of the Act is dismissed.
2. Order LTB-L-045551-25, issued on August 25, 2025, remains in full force and effect.

January 9, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

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

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.