



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

File Number: LTB-L-005413-26

In the matter of: B01, 300 INVERGORDON AVE
SCARBOROUGH ON M1S4K7

Between: Markham Corners Residential Inc. Landlord

And

Mariam Daniela Angeles Del Rio Tenant

Markham Corners Residential Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Mariam Daniela Angeles Del Rio (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 ('LTB') LTB on July 2, 2025 with respect to application LTB-L-024473-25.

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.
2. The Landlord claims the Tenant breached the prior order LTB-L-024473-25 because the Tenant failed to pay \$939.52 towards the arrears on or before December 20, 2025.
3. However, the Landlord filed this application on January 20, 2026. The application was filed 31 days after the missed payment was due in the order. This is not in accordance with the requirement of subsection 78(5) of the Act which requires an application under section 78 of the Act to be filed no later than 30 days after the alleged breach of the original order. Therefore, the Landlord's claim that the Tenant breached the order is out of time.
4. The LTB has no jurisdiction to consider this application, which was filed beyond 30 days after the alleged breach.

It is ordered that:

1. The Landlord's application is dismissed.

January 22, 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.