



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

File Number: LTB-L-006072-26

In the matter of: UNIT 1, 352 PARK AVE
SARNIA ON N7T6K3

Between: MATHEW KUMCHY Landlords
ELITE PROPERTY GROUP (2018) Inc

And

MIRANDA LAMBERT Tenant

Mathew Kumchy and Elite Property Group (2018) Inc (the 'Landlords') applied for an order to terminate the tenancy and evict Miranda Lambert (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 LTB on March 31, 2025, with respect to application LTB-L-092317-24.

This application was decided without a hearing being held.

Determinations:

1. The Board issued order LTB-L-092317-24 on March 31, 2025. The order required the Tenant to make payments to the Landlord for the arrears owing and ongoing rent by specific dates.
2. The order LTB-L-092317-24 also included a "section 78 clause", which states that if the Tenant failed to make any of the payments, the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the "Act") without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant. Pursuant to subsection 78(5) of the Act, an application made under section 78 must be filed no later than 30 days after the breach of the original order.
3. In the application, The Landlord claims that the Tenant breached LTB-L-092317-24 as the Tenant failed to pay \$185.64 toward the arrears by December 21, 2025.
4. However, the Landlord filed this application on January 21, 2026. The application was filed more than 30 days after the missed payments were due in the order. Therefore, the Landlord's claim that the Tenant breached the order is out of time.
5. The Board has no jurisdiction to consider this application, which was filed beyond 30 days after the alleged breaches.

It is ordered that:

1. The Landlord's application is dismissed.

January 26, 2026

Date Issued

Joshua Labbe

Member, 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.