



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

File Number: LTB-L-005893-26

In the matter of: 106, 306 PARTINGTON AVE
WINDSOR ON N9B2N5

Between: 1495659 Ontario Ltd. c/o LMR Property Management Landlord

And

Pamela Tunn Tenant

On January 21, 2026, 1495659 Ontario Ltd. c/o LMR Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Pamela Tunn (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the Landlord and Tenant Board ('LTB') on with respect to application LTB-L-037918-25.

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. This application was filed within 30 days of the breach.
2. The Landlord claims in the Declaration in support of the application that the Tenant failed to pay the lawful monthly rent for January 2026 in full and on time.
3. One of the conditions noted in the prior order LTB-L-037918-25 notes is that the Tenant shall pay her rent on time and in full for each month she remains in the residential unit.
4. The prior order LTB-L-037918-25 is based on an L2 application which relies on an N6 notice of termination (illegal act) and an N7 notice (serious impairment to safety). The prior order LTB-L-037918-25 is not based on an L1 application for the non-payment of rent. Therefore, the LTB has not jurisdiction to issue an order under s. 78 of the Act to terminate the tenancy based on the non-payment of rent for January 2026.
5. The Landlord's application therefore must e be dismissed.
6. I note, the prior order LTB-L-037918-25 notes the tenancy is terminated on February 28, 2026 with the Sheriff enforcement clause in effect starting on March 1, 2026.

It is ordered that:

1. The Landlord's application is dismissed.
2. Order LTB-L-037918-25 remains in full force and effect.

January 30, 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.