



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

File Number: LTB-L-008437-26

In the matter of: 195 FITZGERALD ST
THUNDER BAY ON P7A2N6

Between: 1621675 Ontario Inc Landlord

And

The estate of Harlan Kahgee Tenant

1621675 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict The estate of Harlan Kahgee (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 October 14, 2025 with respect to application LTB-L-096563-24-RV.

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. I find that the Tenant has not met the following conditions specified in the order:

The Tenant failed to pay the lawful monthly rent in the amount of \$3,000.00 on or before December 31, 2025.

The Tenant also failed to pay the lawful monthly rent in the amount of \$2,000.00 on or before January 1, 2026.

3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
4. The Tenant was required to pay \$33,886.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$21,886.00 and that amount is included in this order. This order replaces order LTB-L-096563-24.

5. In this application, the sole Tenant passed away on December 17, 2025 and as per the *Residential Tenancies Act* section 91, the Tenancy comes to a halt as of January 16, 2026.
6. The Landlord collected a rent deposit of \$2,000.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from October 12, 2022 to January 16, 2026.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.

It is ordered that:

1. Order LTB-L-096563-24 is cancelled.
2. 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.
3. 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.
4. 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.
5. The Tenant shall pay to the Landlord \$20,774.77*. This amount represents the rent owing up to January 16, 2026 and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. If the Tenant does not pay the Landlord the full amount owing on or before February 14, 2026, the Tenant will start to owe interest. This will be a simple interest calculated from February 15, 2026 at 4.00% annually on the balance outstanding.

February 3, 2026
Date Issued

James McMaster
Member, Landlord and Tenant Board

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

The Tenant has until February 13, 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 February 13, 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.

* Refer to the attached Summary of Calculations.

Summary of Calculation**Amount the Tenant must pay the Landlord:**

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to September 30, 2025	\$21,886.00
New Arrears	December 1, 2025 to January 16, 2026	\$4,052.00
Less the rent deposit:		-\$2,000.00
Less the interest owing on the rent deposit	October 12, 2022 to January 16, 2026	-\$163.23
Total the Tenant must pay the Landlord:		\$20774.77