



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

File Number: LTB-L-009427-26

In the matter of: 5838 SYMMES ST
NIAGARA FALLS ON L2G2G3

Between: Kham Luong Landlord

And

Jordan Bradshaw Tenant

Kham Luong (the 'Landlord') applied for an order to terminate the tenancy and evict Jordan Bradshaw (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 September 10, 2025, with respect to application LTB-L-043956-25.

This application was decided without a hearing being held.

Determinations:

1. The Landlord filed the application more than 30 days after the Tenant failed to meet the condition specified in the Order.
2. Order LTB-L-043956-25 sets out a payment plan, which required the Tenant to make payments toward arrears and rent over a period ending October 31, 2025. The Order also included a provision that if the Tenant breached the payment plan, the Landlord could apply to the Board, under section 78 of the Residential Tenancies Act, 2006 (the "Act") for an eviction order without notice to the Tenant.
3. Subsection 78(5) of the Residential Tenancies Act, 2006 (the "Act") requires that any application made under section 78 be made not later than 30 days after the failure of a tenant to meet any such condition in the previous order.
4. The Landlord filed this L4 Application on February 2, 2026. In the Declaration outlines that, the Landlord states that contrary to order LTB-L-043956-25 the Tenant failed to pay rent for January and February 2026.
5. The problem is that more than 30 days have passed since the date of the last required payment, which was to take place on October 15, 2025. Therefore, this L4 Application is statute-barred by limitation.

It is ordered that:

1. The Landlord's application under section 78 of the Act is dismissed.

February 6, 2026

Date Issued

Alicia Johnson

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.