



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

File Number: LTB-L-016045-26

In the matter of: 39 OIKONEN RD
KAKABEKA FALLS ON P0T1W0

Between: LAURITZ PAJAMAKI Landlord

And

LISA MILLER Tenant

LAURITZ PAJAMAKI (the 'Landlord') applied for an order to terminate the tenancy and evict LISA MILLER (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on January 26, 2026 with respect to application LTB-L-101301-25-SA.

This application was decided without a hearing being held.

Determinations:

1. The prior 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 alleged breach.
2. The prior order LTB-L-101301-25-SA is an order on consent which requires that the Tenant pay to the Landlord the lawful monthly rent in full on or before the first day of each month for the period February 1, 2026 to January 1, 2027.
3. On February 22, 2026, the Landlord filed an L4 application ('application'). In the application, the Landlord claims the Tenant breached LTB-L-101301-25-SA because the Tenant did not pay the lawful monthly rent for February 2026 in full and on time on February 1, 2026. The Landlord claims the Tenant paid the February 2026 monthly rent on February 2, 2026.
4. The Landlord further claims that it did not receive the agreed-upon payment due on the 20th day of February 2026, as required by the agreement referenced within LTB-L-101301-25-SA.
5. February 1, 2026 was a Sunday and it is a day in which banking and financial institutions are closed.
6. Section 78(6) of the Act stipulates:

If the Board finds that the landlord is entitled to an order under subsection (1),

the Board **may [emphasis mine]** make an order terminating the tenancy and evicting the tenant.

7. As the monthly rent was due on February 1, 2026 which fell on a Sunday and the Tenant paid the monthly rent in full on the next business day, February 2, 2026, I find this to be reasonable due to financial institutions being closed on Sundays. Therefore, the Landlord's request to terminate the tenancy based on this breach is denied.
8. In LTB-L-101301-25-SA, it is noted that the Tenant agrees to make payments towards the arrears commencing February 20, 2026 in the amount of \$200.00. However, this was not one of the conditions ordered on consent under LTB-L-101301-25-SA.

9. Paragraph 3 of LTB-L-101301-25-SA notes the following:

"The previous order issued on November 21, 2025 with respect to LTB-L-082909-25 is amended as follows:

a. Paragraph 1. is amended to provide that the Tenant shall pay to the Landlord the full monthly rent on or before the first day of each month for the period February 1, 2026 to January 1, 2027.

b. Paragraphs 3. and 4. are amended to provide that the Tenant shall pay the Landlord the \$186.00 filing fee by April 15, 2026 with 4% simple interest accruing annually starting April 16, 2026 on any outstanding balance".

10. Paragraph 4 of LTB-L-101301-25-SA notes *"All other conditions in order LTB-L-082909-25 remain unchanged."*
11. In LTB-L-082909-25, it notes under paragraph 6 that the Landlord agrees to withdraw the L1 application which is an application for rent arrears. Therefore, the order on consent for LTB-L-082909-25 is an order for the Tenant to pay the monthly rent on time which is based on an L2 application for persistent late payment of rent and payment for rent arrears cannot be ordered.
12. Therefore, as there are no arrears ordered to be paid by the Tenant in LTB-L-101301-25-SA, an order under s. 78 of the Act cannot issue to terminate the tenancy.
13. Therefore, the Landlord's request to terminate the tenancy and evict the Tenant is denied.

It is ordered that:

1. The Landlord's application is dismissed.
2. The prior Order LTB-L-101301-25-SA remains in full force and effect.

February 24, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.