



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

File Number: LTB-L-017999-26

In the matter of: UNIT 2A, 60 WALES AVE
TORONTO ON M5T1J4

Between: Linxiu Zhu Landlord

And

Andrea Vianey Almada Paniagua Tenant

Linxiu Zhu (the 'Landlord') applied for an order to terminate the tenancy and evict Andrea Vianey Almada Paniagua (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 16, 2026 with respect to application LTB-L-079890-25.

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. 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.
2. The prior order LTB-L-079890-25 notes that section 78 of Act applies to the Tenant for the following conditions:

“The Tenant, any occupants and/or guests shall not engage in any incidents of harassment and/or substantial interference with other tenants, specifically any incidents that are similar in nature to those identified on the second N5 notice of termination”.
3. In the Declaration in support of the application, the Landlord submits that it received statements and videos from two other tenants which advise the Landlord that the Tenant continues to harass them. The Landlord produced emails from these tenants.
4. One email is dated February 26, 2026 and notes that on Saturday, January 24, 2026, at approximately 6:40 pm, the tenant was in the shared kitchen with the Tenant and the Tenant spoke to them in an arrogant and confrontational manner and then blocked the tenant's path. The tenant notes that this caused intentional physical contact between them and the Tenant shouted at the other tenant and called them stupid.

5. The other email is also dated February 26, 2026 and notes that on Friday, January 25th, 2026 around 8:35 pm, a tenant was using the shared kitchen and the Tenant said to the tenant that it was not their kitchen time. The tenant chose to leave the kitchen and had not finished their cooking. The tenant noted in the email that the Tenant continues to prevent the tenant from being able to comfortably use the kitchen.
6. The Landlord filed this application on February 26, 2026. The application was filed more than 30 days after the alleged breaches which note the dates of January 24, 2026 and January 25, 2026. Therefore, the Landlord's claim that the Tenant breached the order is out of time.
7. 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.
2. Order LTB-L-079890-25 remains in full force and effect.

March 3, 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.