



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

File Number: LTB-L-030163-26

In the matter of: 435 TOWER HEIGHTS DR
PORT STANLEY ON N5L1G3

Between: The Apartment Shoppe Landlord

And

Jessica Bettencourt Tenant

On April 6, 2026, The Apartment Shoppe (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Bettencourt (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 Landlord and Tenant Board ('LTB') on April 2, 2024 with respect to application LTB-L-085101-23.

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. In the application, the Landlord claims that the Tenant breached the prior order LTB-L-085101-23 because the Tenant did not pay the March 15, 2026 arrears payment and the Tenant did not pay the monthly rent due on April 1, 2026.
3. In the prior order LTB-L-085101-23, the Tenant is ordered to pay the lawful monthly rent on or before the first day of the month for the period of April 1, 2024 – April 1, 2025, or until the arrears are paid in full, whichever date is earliest. In LTB-L-085101-23, the Tenant is also ordered to pay the outstanding arrears in the amount of \$12,803.01 in monthly payments from the period April 15, 2024 to April 15, 2025.
4. The Landlord claims in the application that the Tenant has paid \$12,803.01 towards the arrears. Therefore, the Tenant has satisfied payment for the total arrears ordered in LTB-L-085101-23. Further the arrears from that order were not ordered to be paid beyond April 15, 2025.
5. As the Tenant has paid the arrears in full, the Tenant would no longer be required under LTB-L-085101-23 to pay the ongoing monthly rent beyond the timeframe of April 1, 2025

as under that order, the ongoing monthly rent was ordered to be paid until April 1, 2025, **or until the arrears are paid in full, whichever date is earliest.**

6. The LTB has no jurisdiction to consider this application, which was filed after the Tenant has paid the arrears in full and beyond the period for which the ongoing monthly was ordered to be paid.

It is ordered that:

1. The Landlord's application under section 78 of the *Residential Tenancies Act, 2006* is dismissed.

April 9, 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.