



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

File Number: LTB-L-031017-26

**In the matter of:** Apt 8, 1023 WESTON RD  
Mississauga ON M6N3R9

**Between:** Paul John Caruana Landlord

**And**

Thomas MacKenzie Tenant

Paul John Caruana (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas MacKenzie (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 April 8, 2026, with respect to application LTB-L-006822-26.

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. One of the requirements set out within the prior order LTB-L-006822-26 is that the Tenant pay \$71.00 on or before April 6, 2026 which represents the remainder of the filing fee.
3. The Landlord claims in the declaration that the Tenant has breached LTB-L-006822-26 because the Tenant did not pay \$71.00 on or before April 6, 2026. The Landlord claims the Tenant made no payments towards the \$71.00.
4. Subsection 78(6) of the Act states:  
  
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.
5. I am exercising my authority under subsection 78(6) of the Act and denying the Landlord's request for termination of the tenancy and for an order for the payment of any arrears owing. This is because the \$71.00 represents the balance of the filing fee. This amount constitutes an application cost and does not form part of the lawful rent. Therefore, it is not arrears of rent which a termination of the tenancy may be based.

**It is ordered that:**

1. The Landlord's application is dismissed.

**April 14, 2026**  
**Date Issued**

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Joshua Labbe  
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.