



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

File Number: LTB-L-031390-26

In the matter of: 3224 Baby Street
Windsor ON N9C1K5

Between: Monica Farrell Landlord

And

Andre Luke Tenants
Katty Facey

Monica Farrell (the 'Landlord') applied for an order to terminate the tenancy and evict Andre Luke and Katty Facey (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on April 29, 2025, with respect to application LTB-L-104484-24.

This application was decided without a hearing being held.

Determinations:

1. The previous 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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order.
2. The previous order required that the Tenants pay the lawful monthly rents for the period May 1, 2025, to April 1, 2026, due on or before the 1st of each month.
The Tenants failed to pay the lawful monthly rent for February 2026, due on or before February 1, 2026.
3. The Landlord filed the application on April 8, 2026, more than 30 days after the Tenants failed to meet the condition specified in the previous order.
4. Subsection 78(5) of the Act requires that any application made under section 78 be made not later than 30 days after the failure of a Tenants to meet any such condition in the previous order.
5. The application is statute-barred by limitation and must therefore be dismissed.

It is ordered that:

1. The application is dismissed.

April 17, 2026

Date Issued

Kelly Delaney

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.