



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

File Number: LTB-L-033006-26

In the matter of: 35 NEELANDS CRES
SCARBOROUGH ON M1E0B6

Between: Sujitha Sivakumar Landlord

And

Andrea Gocsal Tenant

Sujitha Sivakumar (the 'Landlord') applied for an order to terminate the tenancy and evict Andrea Gocsal (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 January 5, 2026 with respect to application LTB-L-086688-25-SA.

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. The Landlord alleges that the Tenant breached the order by failing to make a \$300.00 payment toward the arrears. However, I note that a previous ex parte order (LTB-L-018953-26) involving the same parties and rental unit, and arising from similar allegations of non-payment, was set aside and is scheduled for a hearing on April 28, 2026. In my view, the issue of the Tenant's compliance with the payment terms of the order, including any alleged late or missed payments, is properly before the Board in that proceeding.
3. Given the circumstances, I find it appropriate to decline to issue a further ex parte order under section 78 of the Act. Pursuant to subsection 78(11) of the Act, where an ex parte order is set aside, the Board is required to hold a hearing to determine the issues in dispute. Allowing this application to proceed on an ex parte basis would risk inconsistent findings and procedural unfairness. Accordingly, this application is dismissed.

It is ordered that:

1. The Landlord's application under section 78 of the Act is dismissed.

April 24, 2026
Date Issued

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.