



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

File Number: LTB-L-035549-26

In the matter of: 109, 1770 EGLINTON AVE E
Toronto ON M4A2T1

Between: 547622 Ontario Limited c/o Bentall Property Services (Ontario) Ltd. Landlord

And

George Pearce Tenant
Dyanna Jessie McIlwain

547622 Ontario Limited c/o Bentall Property Services (Ontario) Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict George Pearce and Dyanna Jessie McIlwain (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 6, 2026, with respect to application LTB-L-071353-25.

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 conditions in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following conditions specified in the order:

The Tenant failed to refrain from smoking within 9 meters of any entry or exit door.

The Tenant failed to dispose of cigarette butts in the disposal receptacle(s) as provided on the grounds of the residential complex.

On April 9, 2026 at approximately 11:15 am, the Tenant George Pearce was smoking within 9 metres of the front entrance of the residential complex improperly disposed of a cigarette butt in the flower bed at the residential complex.

It is ordered that:

1. Order LTB-L-071353-25 is cancelled.

2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 8, 2026.
3. If the unit is not vacated on or before May 8, 2026, then starting May 9, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after May 9, 2026.

April 27, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto, ON M7A 2G6

The Tenant has until May 7, 2026, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenant files the motion by May 7, 2026, the order will be stayed, and the LTB will schedule a hearing.

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 9, 2026, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.