



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

File Number: LTB-L-038870-26

In the matter of: 214, 515 QUEEN VICTORIA DR
HAMILTON ON L8W1M9

Between: First Rock Properties Ltd Landlord

And

Diana Pass Tenant

First Rock Properties Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Diana Pass (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 January 26, 2026 with respect to application LTB-L-080032-25-RV-HR2.

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. 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. The Landlord claims in the Declaration in support of the application that the Tenant has not met the terms of the order because payments were made late and the May 2026 rent remains unpaid.
3. In the prior order LTB-L-080032-25-RV-HR2, the Tenant was required to pay \$1,371.83 for arrears and costs with payments ordered to be paid to the Landlord towards the arrears on February 1, 2026, March 1, 2026, and April 1, 2026. Paragraph 5 of that order specifically notes **"...the Tenant shall also pay the Landlord the lawful monthly rent for the 4 months (during February 1 to May 1, 2026), in full and on time, or until all the arrears ordered under paragraph 4 of this order have been satisfied in full – whichever date comes earlier."**
4. The Landlord claims the Tenant paid the April 2026 arrears payment on April 2, 2026. The Landlord filed this application on May 4, 2026 which is more than 30 days after the payment was due in the order. Therefore, the Landlord's claim that the Tenant breached

the order is out of time as it relates to the breach for the arrears payment due on April 1, 2026.

5. The Landlord claims in the application that the Tenant has paid \$1,371.83 in full towards the arrears and costs. As the Tenant has paid the amount owing for the arrears in full, the Tenant has already satisfied the requirements of LTB-L-080032-25-RV-HR2 because the Tenant was only required to pay the ongoing monthly rent up until May 1, 2026 or until the arrears have been paid in full, whichever date is earliest. In this case, the arrears were paid in full prior to the rent for May 1, 2026 coming due.
6. The LTB has no jurisdiction to consider this application terminating the tenancy as the Tenant has satisfied the requirements of LTB-L-080032-25-RV-HR2.

It is ordered that:

1. The Landlord's application is dismissed.

May 6, 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.