



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

File Number: LTB-L-041578-26

In the matter of: 130, 1996 BATHURST ST
YORK ON M5P3L1

Between: Mar-Kal Property Management Company Landlord
Limited

And

Timothy Flynn Tenants
Sharon Flynn

Mar-Kal Property Management Company Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Timothy Flynn and Sharon Flynn (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on April 8, 2026, with respect to application LTB-L-083990-25.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition specified in the order:

The Tenants has failed to maintain the rental unit in an ordinary state of cleanliness. This conclusion was based on the statements made by the landlord after an inspection of the unit on May 11, 2026 at which time no improvements in cleanliness were observed. This statement was backed up by a series of pictures also provided by the Landlord of the unit.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 30, 2026.
2. If the unit is not vacated on or before May 30, 2026, then starting May 31, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

3. 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 31, 2026.

May 19, 2026
Date Issued

James McMaster
Member, Landlord and Tenant Board

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

The Tenants have until May 29, 2026, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by May 29, 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 30, 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.