



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

File Number: LTB-L-044052-26

In the matter of: 121, 39 NIAGARA ST
TORONTO ON M5V0T6

Between: MCM Fund II(39 Niagara)LP Inc and MCM Fund II (39 Niagara) Multi-Residential Inc Landlord

And

Bernardo Bicca Tenants
Gabriela Lago de Souza

MCM Fund II(39 Niagara)LP Inc and MCM Fund II (39 Niagara) Multi-Residential Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Bernardo Bicca and Gabriela Lago de Souza (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on January 16, 2026 with respect to application LTB-L-094929-25.

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 failed to pay the lawful monthly rent due by May 1, 2026.

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 June 9, 2026.
2. If the unit is not vacated on or before June 9, 2026, then starting June 10, 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 June 10, 2026.

May 29, 2026
Date Issued

Kelly Delaney

Member, Landlord and Tenant Board

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

The Tenants have until June 8, 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 June 8, 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 December 10, 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.