



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

File Number: LTB-L-044504-26

In the matter of: 111, 265 WILLSON RD
WELLAND ON L3C5R6

Between: Skyline Real Estate Holdings Inc., c/o Skyline Living Landlords

And

M-Anne Nie Tenants
David Nunemaker

Skyline Real Estate Holdings Inc., c/o Skyline Living (the 'Landlords'), applied for an order to terminate the tenancy and evict M-Anne Nie and David Nunemaker (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on November 13, 2025, with respect to application LTB-L-057564-25.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords 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 conditions in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants had not met the following conditions specified in the order:

The Tenants have breached the conditions of Order LTB L 057564 25, contrary to section 78 of the *Residential Tenancies Act, 2006* (the "Act"), by failing to refrain from smoking in the rental unit.

On May 4, 2026, the Landlord's staff attended the rental unit following multiple complaints and detected cigarette smoke emanating from the unit, contrary to paragraph 2 of the Order requiring no smoking except in designated areas.

On May 14, 2026, during a lawful inspection pursuant to section 27 of the Act, the Landlords observed an ashtray containing cigarette butts, a partially smoked cigarette, a lighter, and additional cigarettes inside the unit.

The presence of smoke and smoking-related items establishes, on a balance of probabilities, that the Tenants, or persons permitted in the unit, continued to smoke in the rental unit in breach of the Order.

Pursuant to section 78 of the Act, the Landlord seeks termination of the tenancy and eviction based on the Tenants' non-compliance with the Board Order within the prescribed period.

It is ordered that:

1. Order LTB-L-057564-25 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 9, 2026.
3. If the unit is not vacated on or before June 9, 2026, then starting June 10, 2026, the Landlords 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 Landlords 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 had 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.