



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

File Number: LTB-L-038281-26

In the matter of: BSMT UNIT, 8 LAWRENCE CRES
BRAMPTON ON L6W2P3

Between: COLIN AURELIO Landlord
MICHAEL AURELIO
JOHN AURELIO

And

MARLYN HOSTEN Tenant

Colin Aurelio, Michael Aurelio and John Aurelio (the 'Landlord') applied for an order to terminate the tenancy and evict Marlyn Hosten (the 'Tenant') and for an order to have the Tenant pay compensation for arrears they owe because the Tenant did not meet a condition specified in the order issued by the LTB on February 27, 2026 with respect to application LTB-L-000500-26.

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.
2. The Landlord alleges that the Tenant breached the order by failing to make the lawful monthly payment towards April rent. However, I note that a previous ex parte order (LTB-L-029903-26) involving the same parties and rental unit, and arising from similar allegations of non-payment, was set aside and is scheduled for a hearing on June 1, 2026. In my view, the issue of the Tenant's compliance with the payment terms of the order, including any alleged late or missed payments, is properly before the Board in that proceeding.
3. Given the circumstances, I find it appropriate to decline to issue a further ex parte order under section 78 of the Act. Pursuant to subsection 78(11) of the Act, where an ex parte order is set aside, the Board is required to hold a hearing to determine the issues in dispute. Allowing this application to proceed on an ex parte basis would risk inconsistent findings and procedural unfairness. Accordingly, this application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 28, 2026
Date Issued

Joshua Labbe
Member, 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.