



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

File Number: LTB-L-049442-26

In the matter of: 2, 910 COPELAND ST
NORTH BAY ON P1B3E4

Between: Larry Nelson Landlord

And

John McMillan Tenants
Nicole McMillan

Larry Nelson (the 'Landlord') applied for an order to terminate the tenancy and evict John McMillan and Nicole McMillan (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on May 13, 2026 with respect to application LTB-L-007225-26.

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 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 conditions specified in the order:

The Tenants failed to refrain from smoking at the rental property or in the rental unit. If there is one more instance of the Tenant smoking, the Landlord shall provide the Tenant with written correspondence with the date and time of the smoking infraction. If there is another occurrence, the Landlord can proceed with the section 78 provision of the order.

The first instance of the reoccurrence of smoking was on May 13, 2026 between 5:45 pm and 6:00 pm in which a neighbouring resident detected a strong smoke smell coming from the rental unit and the resident reported this to the Landlord on May 14, 2026.

On May 15, 2026, the Landlord served written correspondence to Tenant Nicole McMillan in person. The letter notes that a neighbouring resident had detected a strong smoke smell coming from the rental unit on May 13, 2026 between 5:45pm and 6:00pm.

The second instance of reoccurrence of smoking was on May 24, 2026. The Landlord was advised by a neighbouring resident on this date at approximately 10:55 am that smoke was coming from Tenants' rental unit at that time.

3. This order replaces order LTB-L-007225-26.

It is ordered that:

1. Order LTB-L-007225-26 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 26, 2026.
3. If the unit is not vacated on or before June 26, 2026, then starting June 27, 2026, the Landlord 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 Landlord on or after June 27, 2026.
5. If the Tenants do not pay the Landlord the full amount owing on or before June 26, 2026, the Tenants will start to owe interest. This will be a simple interest calculated from June 27, 2026, at 4.00% annually on the balance outstanding.

June 15, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

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

The Tenants have until June 25, 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 25, 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 27, 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.