



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

File Number: LTB-L-049785-26

In the matter of: 202-2, 1700 SIMCOE ST N
OSHAWA ON L1G4X9

Between: Canadian Student Living Group LP Landlord

And

Obinna Iweanoge Tenant

Canadian Student Living Group LP (the 'Landlord') applied for an order to have Obinna Iweanoge (the 'Tenant') pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the Landlord and Tenant Board ('LTB') on February 17, 2026 with respect to application LTB-L-102444-25.

This application was decided without a hearing being held.

Determinations:

1. The order includes a provision under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') that the Landlord may file an application with the LTB 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 alleged breach.
2. The Landlord claims in the Declaration in support of the L4 application that the Tenant breached the prior order LTB-L-102444-25 because the Tenant did not pay the monthly rent for June 2026 by June 1, 2026.
3. The L4 application is dismissed for the following reasons. The order on consent issued for LTB-L-102444-25 is based on an L9 application which is an application to collect rent that the Tenant owes. A tenancy cannot be terminated for non-payment of rent owing based on an L9 application. As the Landlord did not previously apply to the LTB for an order to evict the Tenant and pursuant to subsection 78(1) of the Act, the LTB cannot issue an order which terminates the tenancy. Subsection 78(1) of the Act requires that an order made with respect to the previous application which imposes conditions on the Tenant which if not met by the Tenant, **would give rise to the same grounds for terminating the tenancy as were claimed in the previous application [emphasis mine]**. As the prior L9 application is not an application which terminates the tenancy, section 78 of the Act cannot be utilized to evict the Tenant and terminate the tenancy.
4. The LTB has no jurisdiction to terminate the tenancy under section 78 of the Act and the Landlord's L4 application must be dismissed.

It is ordered that:

1. The Landlord's L4 application is dismissed.

June 11, 2026

Date Issued

Kimberly Parish

Vice Chair, 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.