



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

File Number: LTB-L-054773-26

**In the matter of:** Upstairs, 26 Birch St North  
Timmins ON P4N6C7

**Between:** Peter Kasperait Landlord

**And**

Marc charbonneau Tenant

Peter Kasperait (the 'Landlord') applied for an order to terminate the tenancy and evict Marc charbonneau (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 21, 2025, with respect to application LTB-L-049176-25.

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 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. I find that the Tenant has not met the following condition specified in the order:

**The Tenant failed to refrain from causing excessive noise which interferes with the reasonable enjoyment of other tenants. The Landlord received complaints about excessive noise from the unit on both May 30, 2026 and again on June 14, 2026. Both were in the middle of the night scaring both the lower tenant and her son. This then is a breach of the agreement.**

3. This order replaces order LTB-L-049176-25.

### It is ordered that:

1. Order LTB-L-049176-25 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 11, 2026.

3. If the unit is not vacated on or before July 11, 2026, then starting July 12, 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 July 12, 2026.

**June 30, 2026**  
**Date Issued**

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**James McMaster**  
Member, Landlord and Tenant Board

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

The Tenant has until July 10, 2026, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by July 10, 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 January 12, 2027, 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.