



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Golden Elms Limited v Rhoden, 2023 ONLTB 14691

Date: 2023-01-11

File Number: LTB-L-051907-22

In the matter of: 308, 108 Bergamot Avenue
Toronto Ontario M9W1W7

Between: Golden Elms Limited Landlord

And

Hayden Rhoden Tenants
Sophia Reyes

Golden Elms Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Hayden Rhoden and Sophia Reyes (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 5, 2023. Only the Landlord's legal representative, Samuel M. Korman, attended the hearing. As of 9:47am, neither of the Tenants were present or represented at the hearing.

At the onset of the hearing, the Landlords representative indicated that there was only the \$201.00 application filing fee owing. As a result, the Landlord only sought an order for the filing fee plus applicable interest starting March 1, 2023.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The Tenants paid all arrears for the period ending January 31, 2023, after the application was filed.
4. The only amount outstanding is the Landlord's \$201.00 cost of filing the application. As a result, the order will be limited to costs only and not eviction.

It is ordered that:

1. The Tenants shall pay to the Landlord \$201.00 for the cost of filing the application.

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2. If the Tenants do not pay the Landlord the full amount owing on by February 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

January 11, 2023

Date Issued

Terri van Huisstede
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.

