



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

Citation: Neves v O'Kane, 2023 ONLTB 34010

Date: 2023-05-03

File Number: LTB-L-046915-22

In the matter of: 3, 314 RICHELIEU AVE
VANIER ON K1L6J9

Between: Carlos Neves and Judite Neves Landlords

And

Kate O'Kane Tenant

Carlos Neves and Judite Neves (the 'Landlords') applied for an order to terminate the tenancy and evict Kate O'Kane (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023.

The Landlord J Neves, the Landlords' representative G George and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,593.90. It is due on the 1st day of each month.
4. The Landlords' application was filed online in the Tribunals Ontario portal at 9:27 am on August 19, 2022.
5. The Tenant testified that all arrears for the period ending August 31, 2022 were paid on August 19, 2022. The Tenant submitted as evidence an email indicating that payment was made at 10:09 am, August 19, 2022. The Tenant testified that since all arrears were paid that she did not owe the Landlords the filing fee.

6. I find that the Tenant has paid all arrears for the period ending August 31, 2022 after the application was filed.
7. The only amount outstanding is the Landlords' cost of filing the application. As a result, the order will be limited to costs only and not eviction.

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It is ordered that:

1. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 31, 2023 the Tenant will start to owe interest. This will be simple interest calculated from June 1, 2023 at 6.00% annually on the balance outstanding.

May 3, 2023

Date Issued

Heather Kenny

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.

