



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

**Citation:** Ken Davidson v John McGillivray, 2023 ONLTB 32410

**Date:** 2023-04-26

**File Number:** LTB-L-000625-23

**In the matter of:** 312 Church St  
Dunnville ON N1A2N5

**Between:** Anne Davidson Landlords  
Ken Davidson

**And**

John McGillivray Tenants  
Kristen Howard

Anne Davidson and Ken Davidson (the 'Landlords') applied for an order to terminate the tenancy and evict John McGillivray and Kristen Howard (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 13, 2023. Only the Landlords attended the hearing.

As of 3:09pm, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**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. The Tenants are still in possession of the rental unit.
3. The monthly rent is \$1,486.25 and it is due on the first day of each month.
4. After the application was filed, the Tenants paid the Landlords all of the rent arrears outstanding for the period ending April 30, 2023.
5. The only amount outstanding as of the hearing is the \$186.00 application filing fee cost.

6. 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 Tenants do not pay the Landlord the full amount owing on or before May 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

**April 26, 2023**

**Date Issued**

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Terri van Huisstede  
Member, Landlord and Tenant Board

15 Grosvenor St, 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.

