



Order under Section 69 Residential Tenancies Act, 2006

Citation: Benstar (No.3) Limited Partnership c/o Forest Hill Kipling v Davis, 2022 ONLTB 14129

Date: 2022-12-14

File Number: LTB-L-020927-22

In the matter of: 301, 2067 PROSPECT ST
BURLINGTON ON L7R1Z3

Between: Benstar (No.3) Limited Partnership c/o Forest Hill Kipling Landlord

And

Wesley Davis Tenant

Benstar (No.3) Limited Partnership c/o Forest Hill Kipling (the 'Landlord') applied for an order to terminate the tenancy and evict Wesley Davis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 26, 2022. Only the Landlord's legal representative, J. Labbe attended the hearing.

As of 1:42pm, the Tenant was 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 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 Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
4. As of the date of the hearing, the only amount outstanding was the application filing fee. An order for this amount shall issue.

It is ordered that:

- 1. The Tenant shall pay to the Landlord \$186.00, which represents the costs the Landlord incurred to file the application.
- 2. If the Tenant does not pay the Landlord the full amount owing on or before December 25, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 26, 2022 at 4.00% annually on the balance outstanding.

December 14, 2022
Date Issued

 Curtis Begg
 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.

2022 ONLTB 14129 (CanLII)