



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-085520-25

In the matter of: 2804, 25 ORDNANCE ST
TORONTO ON M6K0E9

Between: BK Prime Ontario 1 LP Landlord

And

Andrew Royce Tenant

BK Prime Ontario 1 LP (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Royce (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on December 16, 2025.

Only the Landlord's legal representative, Julia MacDonald, a licensed paralegal, attended the hearing.

As of 10:50 a.m., 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. However, I find that it would not be unfair to grant relief from eviction. Therefore, I have made the conditional order set out below.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 23, 2025, the Landlord gave the Tenant an N8 notice of termination effective November 30, 2025. The notice of termination contains the following allegation:

that the Tenant paid the rent late 17 of 17 months during the period March 2024 to July 2025.

4. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent in March 2024 was paid on March 23rd, in April rent was paid April 19th, in May it was paid May 30th and in June it was paid on July 2nd. The rent for the months of July to December 2024 was paid on January 29, 2025 in a lump sum of \$22,061.00 following an order in LTB-L-075664-24, an L1 application. Rent for February 2025 was paid on February 1st and March 25th, March rent was paid on March 25th and April 25th, April rent was paid on April 25th and May 29th, May rent was paid on May 29th. At the date of the service of the N8 June and July rent were fully outstanding, it was subsequently paid.
5. The Tenant has fully paid the rent for the months of August through December 2025.
6. The Landlord incurred costs of \$186.00 for filing the application and the Tenant has already reimbursed the Landlord for that cost.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. The Landlord's representative requested termination of the tenancy; however, after some discussion agreed that because the rent has been fully paid on time after the service of the N8 that an order requiring the Tenant to pay rent on time for a period of 18 months was not inappropriate.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay their lawful monthly rent by the 1st day of each month beginning February 1, 2026 until July 1, 2027.

3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

January 9, 2026
Date Issued

Christina Budweth
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.