



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-097789-25

In the matter of: 09, 90 KING EDWARD AVE
LONDON ON N5Z3S8

Between: King Edward Apartments Landlord

And

David Winter Tenant

King Edward Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict David Winter (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on December 22, 2025.

Only the Landlord's agent, Jaspreet Kaur, attended the hearing.

As of 9:39 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:

L1 Application – Non-Payment of Rent

1. The Landlord advised the LTB that prior to the hearing the Tenant paid all the rent that was in arrears and all additional rent that would have been due under the tenancy agreement for the period ending December 31, 2025, and the filing fee.
2. The Landlord's application for an order terminating the tenancy and evicting the Tenant based upon arrears of rent is discontinued.

L2 Application – Persistent Late Payment of Rent

3. The Tenant has persistently failed to pay the rent on the date it was due.

4. The rent is due on the first day of each month. The N8 notice of termination states the Tenant failed to pay rent on time and in full 11 out of 13 months from November 1, 2024 to November 30, 2025. The Tenant's payment history during this period is as follow:
November 2024 rent was paid by November 7, 2024; December 2024 rent was paid by December 3, 2024; January 2025 rent was paid by January 6, 2025; February 2025 rent was paid on time; March 2025 rent was paid by April 1, 2025; April 2025 rent was paid by April 2, 2025; May 2025 rent was paid by May 6, 2025; June 2025 rent was paid by June 12, 2025; July 2025 rent was paid by July 4, 2025; August 2025 rent was paid by September 15, 2025; September 2025 rent was paid by October 1, 2025; October 2025 rent was paid by November 3, 2025; and November 2025 rent was paid by November 25, 2025.
5. Since the N8 notice was served on the Tenant, the Tenant continued to pay rent late. The Tenant paid December 2025 rent on December 8, 2025. Therefore, I find that the Tenant has been persistently late in paying the Tenant's rent. The Tenant has been late 12 out of 14 times from November 1, 2024 to December 22, 2025.

Relief from Eviction

6. 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 was agreeable to a 12 month pay on time order.

It is ordered that:

L1 Application – Non-Payment of Rent

1. The Landlord's application for an order terminating the tenancy and evicting the Tenant based upon arrears of rent is discontinued.

L2 Application – Persistent Late Payment of Rent

2. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
3. The Tenant shall pay the Landlord the monthly rent due on or before the first day of the month for the period of February 1, 2026 to January 31, 2027.
4. The Tenant shall pay January 2026 rent by January 31, 2026. I am delaying January 2026 rent because my order is being issued on January 9, 2026, and the Tenant did not attend the hearing. By delaying January 2026 rent, it will ensure the Tenant has a copy of my order and has enough time to comply with the conditions imposed.
5. If the Tenant fails to make any of the payments in paragraphs 3 and 4 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant.

January 9, 2026
Date Issued

Vishal Nanda
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.