



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-080764-25

In the matter of: 307, 2121 RATHBURN RD E
MISSISSAUGA ON L4W2X3

Between: CAPREIT Limited Partnership Landlord

And

Peter Smith Tenant

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 17, 2025.

The Landlord's Legal Representative, J. Paine, 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 \$2,309.88. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$75.94. This amount is calculated as follows: \$2,309.88 x 12, divided by 365 days.
5. The Tenant has paid \$9,275.09 to the Landlord since the application was filed.
6. The rent arrears owing to December 31, 2025, are \$(35.57).
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Tenant argues that he should not have to pay the application filing fee. The Tenant claims that he paid off the rent arrears on the N4 notice on September 25, 2025 with a

debit card, the same day the Landlord filed their L1 application. The date of termination on the N4 notice is September 24, 2025.

9. The Landlord believes that Tenant is liable to pay the filing fee as the Tenant did not pay by the date of termination on the N4 notice. The Landlord filed the L1 application the following day as per the rules of the Landlord and Tenant Board (LTB).
10. LTB's Rule 23 and LTB's Interpretation Guideline No. 3 state that, if a tenant in fact owes rent to a landlord as of the date a landlord files an L1 application, then the cost of filing the L1 application is, as a rule, ordered to be paid by the tenant to the landlord.
11. The Tenant paid the same day the Landlord filed the L1 application in this case. Since neither party is at fault in the circumstances, I find that the fair thing to do is to order that the application fee be split equally. The Tenant shall pay to the Landlord \$93.00 for application filing fee.
12. There is no last month's rent deposit.
13. 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.
14. The Tenant has paid all arrears and part of the filing fee. There is no reason to terminate the tenancy.

It is ordered that:

1. The Tenant shall pay to the Landlord \$57.43 which is partial cost of filing the application after deducting the amount the Tenant has already paid.
2. If the Tenants do not pay the Landlord the full amount owing on or before January 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 1, 2026, at 4.00% annually on the balance outstanding.

January 6, 2026

Date Issued

Sheena Brar

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.