



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-077549-25

In the matter of: Upper Unit, 903 Pierre Avenue
Windsor ON N9A2K8

Between: Dunja Szlatoszlavek Landlord
James Szlatoszlavek

And

Clifford Miners Tenant
MaryBeth Miners

Dunja Szlatoszlavek and James Szlatoszlavek (the 'Landlord') applied for an order to terminate the tenancy and evict Clifford Miners and MaryBeth Miners (the 'Tenant') because the Tenants have not paid the rent that the Tenants owe (L1 application). Also because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking (L2 application).

This application was heard by videoconference on November 26, 2025.

Both Landlords and both Tenants attended the hearing.

1. At the hearing, the Landlords sought to withdraw the applications, and I consented to the request. The Tenants were not opposed to the request.
2. The reason the Landlords requested to withdraw the L2 application was because the Landlords failed to identify the address of the rental unit on the N6 Notice of Termination as required by subsection 43(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act').
3. The reason the Landlords requested to withdraw the L1 application was because they filed their application prior to the termination date in the N4 Notice. The Landlords filed their combined application on September 17, 2025. The termination date in the N4 Notice is October 16, 2025. In accordance with subsection 74(1) of the Act, the Landlord is not entitled to file their L1 application until the day after the termination date in the N4 Notice. Having done so, I lacked the jurisdiction to consider termination of the tenancy on this basis.

4. The Landlords were opposed to amending the application for arrears of rent only and instead opted to withdraw the application to start over. I see no reason to deny their request as I made no determinations with respect to the merits of their claims.
5. The application having been withdrawn, the LTB's file is closed.

January 9, 2026
Date Issued

Terri van Huisstede
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.