



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-003847-26

In the matter of: 67, 2175 MEWBURN RD
NIAGARA FALLS ON L2J0A6

Between: Killam Apartment REIT Landlord

And

Estate of Stephen Joseph Tenant

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Estate of Stephen Joseph (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 19, 2026 at 09:00 am.

The Landlord Representative Michael McAllister, the Tenant Agent Linda Burning and the Tenant Representative Bonnie Cole attended the hearing.

Determinations:

1. At the outset of the hearing the Tenant Representative requested the Landlord's application be dismissed as the Tenant was deceased and matters of the estate, namely power of attorney and finance, were still to be determined before the Superior Court of Justice.
2. Canvassing the Landlord Representative, they acknowledged that the Tenant was deceased but submitted that the issue of rent arrears was still ongoing and to dismiss the application would be prejudicial.

3. Based on the above submissions I granted the request. Given the Tenant is deceased and no individual has, as of yet, been granted power of attorney over the estate, including finances, to allow the matter to proceed would constitute an abuse of process.

It is ordered that:

1. The Landlord's application is dismissed.

April 1, 2026
Date Issued

Kelly Delaney
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.