



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-078700-25-AM

In the matter of: 604, 10 OVERLEA DR
KITCHENER ON N2M5B8

Between: 10 Overlea Drive (Kitchener) Limited Landlord

And

William Toynton Tenant

10 Overlea Drive (Kitchener) Limited (the 'Landlord') applied for an order to terminate the tenancy and evict William Toynton (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 2, 2025.

Only the Landlord's employee, Colleen Visser, and the Landlord's legal representative, Faith McGregor, attended the hearing.

As of 9:53 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.

This Order was originally dated December 12, 2025, as a result of an administrative oversight it was not delivered to the parties. This Order has been amended only to amend the Order Date and the Eviction Date.

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. Therefore, I have granted termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. On September 17, 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 has paid the rent late 9 of the 12 months during the period October 2024 to September 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 October 2024 was paid on October 11th, the rent for November was paid on November 8th, the rent for December was paid on December 20th. January was paid on time. February 2025 rent was paid on February 20th, March rent was paid on March 20th, April rent was paid on April 8th. May and June rent was quite late both being paid on June 28th together with the July rent. The next late payment was on September 13th for September rent.
5. The Tenant has not paid rent in October, November or December; however, the Landlord's representative asked that I not deal with the issue of the last month's rent deposit or the daily compensation as an L1 will be filed shortly.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act as a substantial amount of rent is currently owing and the Tenant did not attend the hearing to explain their circumstances.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 13, 2026.
2. If the unit is not vacated on or before April 13, 2026, then starting April 14, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after April 14, 2026.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

5. If the Tenant does not pay the Landlord the full amount owing on or before April 13, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 14, 2026 at 4.00% annually on the balance outstanding.

April 2, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on October 13, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.