



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-018149-26

In the matter of: 2, 190 LOTTRIDGE ST
HAMILTON ON L8L6V7

Between: James Maggs

Landlord

And

Kayla Finlayson

Tenant

James Maggs (the 'Landlord') applied for an order to terminate the tenancy and evict Kayla Finlayson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 29, 2026.

The Landlord's representative, Jackie Struthers and the Tenant attended the hearing.

Determinations:

Preliminary Issue – Was the Application Void or Discontinued by Payment?

1. At the outset of the hearing, I raised a preliminary issue about whether the application had been discontinued. In the L1/L9 Information Update form, the Landlord stated that the Tenant made a payment of \$966.60 toward the arrears on February 27, 2026. I also noted that, when the application was filed on February 27, 2026, the outstanding arrears before the filing fee were \$966.60. The issue was whether the Tenant made that payment before the application was filed, which would mean there were no rent arrears owing at the time the application was commenced.
2. The Landlord's position was that the application was not discontinued and could proceed. The Landlord submitted that the application was filed on February 27, 2026, at 11:44 a.m., and that the Tenant's payment was received later that same day, at 5:17 p.m. The Landlord provided a copy of the transaction record showing when the payment was received to the Board. The Landlord submitted that, because the payment was made after the application was filed, the Tenant was also required to pay the Landlord's application filing fee for the application to be discontinued under subsection 74(2) of the *Residential Tenancies Act, 2006* (the "Act").

3. The Tenant testified that they did not remember what time they made the payment on February 27, 2026.
4. Based on the evidence before me, I find, on a balance of probabilities, that the application was filed before the Tenant's payment was received by the Landlord. I accept the Landlord's evidence that the application was filed at 11:44 a.m. and that the Tenant's payment was received at 5:17 p.m. on February 27, 2026. Therefore, the Tenant's payment did not clear the arrears before the application was filed.
5. As the Tenant paid the arrears after the application was filed, the Tenant was required to pay the Landlord's filing fee for the application to be discontinued under subsection 74(2) of the Act. The Tenant did not pay the filing fee. Accordingly, I find that the application was not discontinued.

L1 Application

6. 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.
7. As of the hearing date, the Tenant was still in possession of the rental unit.
8. The lawful rent is \$966.60. It is due on the 1st day of each month.
9. Based on the Monthly rent, the daily rent/compensation is \$31.78. This amount is calculated as follows: $\$966.60 \times 12$, divided by 365 days.
10. The Tenant has paid \$966.60 to the Landlord since the application was filed.
11. The rent arrears owing to April 30, 2026 are \$1,933.20.
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 Act, including whether the Landlord attempted to negotiate a repayment agreement with the Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
14. The Tenant is seeking to preserve the tenancy. The Tenant requested an extended termination date of May 31, 2026, to pay the remaining arrears. An extended termination date would have been reasonable, however, given the issuance date of this order, I find no further delay shall be given as the termination date has been extended to June 7, 2026. The Tenant has had time since the hearing to sort out their finances or seek alternate accommodations.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.

2. The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:

- \$2,899.80 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.

OR

- \$3,866.40 if the payment is made on or before June 7, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after June 7, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before June 7, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$1,888.22. This amount includes rent arrears owing up to the date of the hearing. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$31.78 per day for the use of the unit starting April 30, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before June 7, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 8, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 7, 2026, then starting June 8, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 June 8, 2026.

May 27, 2026
Date Issued

Joshua Labbe
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 expires on December 8, 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2026

Rent Owing To May 31, 2026	\$3,866.40
Less the amount the Tenant paid to the Landlord since the application was filed	- \$966.60
Total the Tenant must pay to continue the tenancy	\$2,899.80

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before June 7, 2026

Rent Owing To June 30, 2026	\$4,833.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$966.60
Total the Tenant must pay to continue the tenancy	\$3,866.40

C. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$2,854.82
Less the amount the Tenant paid to the Landlord since the application was filed	- \$966.60
Total amount owing to the Landlord	\$1,888.22
Plus daily compensation owing for each day of occupation starting April 30, 2026	\$31.78 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	