



**Order under Subsection 74(2)
Residential Tenancies Act, 2006**

File Number: LTB-L-026688-26

In the matter of: 205, 595 STRASBURG RD
KITCHENER ON N2E0J7

Between: Bloomingdale Mews Limited Landlord

and

Deborah Mashave Omolade Tenants
Obianuju Emmanuella Agbanusi

Bloomingdale Mews Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Deborah Mashave Omolade and Obianuju Emmanuella Agbanusi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 3, 2026.

The Landlord's Agent, Jana Menard, Obianuju Emmanuella Agbanusi (the 'Tenant'), and the Tenant's Agent and sister, Nneka Ogbonna, attended the hearing. The Tenant declined the opportunity to speak with Duty Counsel prior to the start of the proceeding.

As of 3:04 p.m. the other tenant, Deborah Mashave Omolade, was not present or represented at the hearing although properly served with notice of this hearing by the LTB. Additionally, the Tenant advised that her former co-tenant was aware of the hearing and had indicated she would not be attending. There was no record of a request to adjourn the hearing.

Determinations:

1. The Landlord delivered a valid N4 Notice by placing it under the door to the rental or through the mail slot. The Tenants 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. The parties agree the Tenants vacated the rental unit on March 30, 2026.
3. The parties also agreed that on the same day they vacated, the Tenants paid at least all the rent that was in arrears and all additional rent that would have been due under the tenancy agreement for the period ending March 30, 2026, and the filing fee.

4. Section 74 (2) of the RTA provides:

(2) An application by a landlord under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 shall be discontinued if, before the Board issues the eviction order, the Board is satisfied that the tenant has paid to the landlord or to the Board,

(a) the amount of rent that is in arrears under the tenancy agreement;

(b) the amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given; and

(c) the landlord's application fee.

[Underlining added]

5. As a result, we find that the Landlord's application for an order terminating the tenancy and evicting the Tenants based on arrears of rent was automatically discontinued to March 31, 2026, in accordance with section 74(2) of the RTA.

6. Under s. 74(2) of the RTA the language is mandatory that the consequence of a tenant paying all arrears and the filing fee before the LTB issues an order is discontinuance of the application.

7. Once an application has been discontinued, the LTB lacks the authority to issue a further order based on the discontinued application.

8. In these circumstances, we find any issues with respect to the termination of the tenancy, including to what date rent, if any, was owed following the departure of the Tenants from the rental unit, the credit of the last month's rent deposit and any interest not paid, and the amount of NSF charges were not properly before us and could not be addressed on this application.

It is ordered that:

1. The Landlord's application is dismissed as discontinued.

June 18, 2026
Date Issued

Krista-Maria White
Member, Landlord and Tenant Board

Rebecca Case
Vice-Chair, 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.