



Mohamed v. Toronto Community Housing Corporation, 2024 ONSC 1759
(CanLII)

Date: 2024-03-25
File number: 398/19
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DATE: 20240325

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE:

ABDULKADIR ELMI MOHAMED

Appellant/Responding Party

AND

TORONTO COMMUNITY HOUSING CORPORATION

Respondent/Moving Party

BEFORE: SHORE J.

COUNSEL: *Katie Douglas*, for the Respondent/Moving Party

HEARD IN WRITING: March 18, 2024

ENDORSEMENT

[1] In June 2021, the Landlord and Tenant Board issued an order to evict the tenant, Abdulkadir Elmi Mohamed, from his TCHC residential unit at 317-407 Gerrard Street East, Toronto, Ontario, for his failure to pay rent. The tenant appealed the order and this court dismissed the appeal for delay. The enforcement office informed the TCHC that the eviction order would expire before they were able to enforce it.

[2] On March 21, 2023, Shabas, J., issued a writ of possession for the rental unit occupied by the Abdulkadir Elmi Mohamed. The court issued the writ on November 11,

2023. TCHC has not yet enforced the writ of possession.

[3] The tenant owes more than \$44,480 in arrears.

[4] Prior to the expiration date of the writ of possession, TCHC brought a motion under r.60.10(3) for an order renewing the writ. Rule 60.10 provides that a court may grant leave to issue a writ of possession on motion without notice or at the time the order entitling the landlord to possession is made. It further provides that a writ expires after one year but can, before its expiry, be renewed for a period of one year.

[5] As the motion to obtain the initial writ of possession does not require that the appellant receive notice of the TCHC's intention to take out a writ, it follows that a motion to extend the writ also does not require the appellant to receive notice.

[6] The tenant has not paid rent for several years. He owes considerable arrears. Toronto Community Housing is a publicly funded housing provider where units are in great demand. According to the evidence filed by TCHC, there are almost 79,000 households waiting for subsidized housing in Toronto. The tenant has remained in one of these units without paying rent. I see no reason not to renew the writ in these circumstances.

[7] Order to go as follows:

1. The writ of possession for the TCHC unit at 317-407 Gerrard Street East, Toronto, Ontario is renewed for one year, until March 21, 2025.

[8] The motion is granted. The writ is extended to March 21, 2025.

Justice S. Shore

Date: March 25, 2024