

**Superior Court of Justice
Cour supérieure de justice**

**Endorsement Record/Order
Fiche d'inscription/Ordonnance judiciaire**

(Toronto Region) before
Hart Schwartz, Deputy Judge

SC-22-00008802-0000

Small Claims Court / Cour des petites créances de

Claim No. / N° de la demande

BETWEEN / ENTRE:

CHRISTINE TOPJIAN

Plaintiff(s) / Demandeur(s) / demanderesse(s)

and / et

KARLA NAVARRO, Also known as KARLA BECERRA; JEREMIAS ALEMAN

Defendant(s) / Défendeur(s) / defenderesse(s)

Representative of the plaintiff(s): ALINA SHPAK (alina.shpak2402@gmail.com) (416-727-4995)
Représentant du demandeur :

Representative of the defendant(s): No one appearing
Représentant du défendeur :

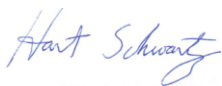
Event type: Order on an Assessment Hearing
Type d'affaire :

On November 1, 2023, an assessment hearing was held in the above matter and the following order was made:

Le **une audience d'évaluation a eu lieu dans l'affaire susmentionnée, et l'ordonnance suivante a été rendue:**

1. This is an assessment hearing conducted under Rule 11.03. Under Rule 11.03(5) the plaintiff is not required to prove liability against the defendants but is required to prove the amount of the claim.
2. The defendant, Karla Navarro, was served with the Statement of Claim by means of email, pursuant to an endorsement of Deputy Judge Bocci, dated April 4, 2023, allowing for substitute service in this manner. There is no evidence before me that the defendant, Jeremy Aleman, was served with the Claim. Accordingly, this endorsement only involves judgment with respect to defendant Karla Navarro.
3. The clerk of the Court has noted the defendant Karla Navarro in default.

4. A threshold issue for this Court is one of its jurisdiction to hear this matter. This Claim was filed on December 14, 2022. This date is after September 1, 2021, which is the date that Schedule 4 of the *Protecting Tenants and Strengthening Community Housing Act, 2020* came into force.
5. Accordingly, on the date this claim was brought, a claim for unpaid rent and utilities against a former tenant was within the exclusive jurisdiction of the Landlord and Tenant Board if the former tenant ceased to be in possession *on or after* the date this Act came into force, i.e., on or after September 1, 2021. See section 89(1) of the *Residential Tenancies Act*.
6. At today's hearing, the plaintiff, Ms. Topjian, testified that the former tenant, the defendant, Ms Navarro, ceased to be in possession of the premises on June 30, 2021. She also provided documentary evidence to this effect in Exhibit 2. As this date is *before* the new law came into force, this court has jurisdiction to hear the matter.
7. The plaintiff, Ms. Topjian, also provided thorough and comprehensive documentation establishing each payment and missed payments for rent or utilities, including an unpaid utility charge that was added to her property tax bill. She also included text messages from the defendant, Ms Navarro, that corroborated her evidence.
8. For oral reasons given today, the Plaintiff is entitled to judgment as follows:
 - a) The amount of \$7,475 for unpaid rent;
 - b) The amount of \$1,167.59 for unpaid utilities;
 - c) A reasonable representation fee under Rule 19.04 of \$900.00.
 - d) The plaintiff is entitled to recover its court costs for filing fees in accordance with Rule 19.01(1). These have been calculated by the court today at \$656. This amount of \$656 includes \$60 for the various attempts at service of the claim on the defendant Aleman, pursuant to Rule 19.01(3).
 - e) Pre-judgment interest in accordance with section 128 of the *Courts of Justice Act* from April 5, 2021 (the date that the plaintiff testified she offered a payment plan to the defendant), up to today's date at the rates set out in section 127 of the *Courts of Justice Act*;
 - f) Post-judgment interest pursuant to section 129 of the *Courts of Justice Act* at the rates set out in section 127 of the *Courts of Justice Act*.



Signature of Judge / *signature du juge*

