



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: TORONTO COMMUNITY HOUSING CORPORATION v Jose Pinto Da Costa Ries,
2023 ONLTB 40335

Date: 2023-06-01

File Number: LTB-L-081618-22

In the matter of: 812, 275 SHUTER ST
TORONTO ON M5A1W4

Between: TORONTO COMMUNITY HOUSING CORPORATION Landlord

And

Jose Pinto Da Costa Ries Tenant

TORONTO COMMUNITY HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Jose Pinto Da Costa Ries (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on October 12, 2022 with respect to application TSL-13963-20-RV.

A hearing was held to consider this application.

This application was heard by videoconference (VC#101) on May 16, 2023. Only the Landlord attended the hearing.

As of 9:42 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The prior order provided in paragraph 5 that the Landlord could apply to the Board under section 78 of the Residential Tenancies Act, 2006 (the Act) without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain condition(s)

specified in the order. Paragraph 5 states the application must be made within 30 days of the breach.

2. Section 78 of the Act also requires the L4 application to be filed within 30 days of a breach.
3. This L4 application was filed with the Board and received by email on December 28, 2022. In the L4 application, the Declaration section on page 5 states “as per order

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issued for TSL-13963-20-RV Tenant was to pay off arrears owing by paying rent plus \$165.00 effective November 1, 2022 until arrears paid in full. Tenant failed to follow order and Landlord is filing breach for most Current month (December 2022).”

4. At the time of the hearing, the Landlord’s representative submitted that the Tenant breached the order as soon as November 2022 and that he is not taking the repayment obligation seriously. On review of the rent payment ledger, it was evidenced that the Tenant failed to pay November 1, 2022 rent in full in the amount of \$1,089.00 as required by the previous order in paragraph 4(b), the Tenant only paid a portion of the rent in the amount of \$455.00.
5. This application was not filed within 30 days of the breach.

It is ordered that:

1. The Landlord’s application under section 78 of the Act is dismissed. There will be no eviction ordered since the application was not filed within 30 days of the breach.
2. The prior order in file number TSL-13963-20-RV issued October 12, 2022 remains in effect.

June 1, 2023

Date Issued

Alicia Johnson

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.