



## **Order under Section 69 Residential Tenancies Act, 2006**

**Citation:** Galaxy Real Estate Core Ontario Properties LP v Fitsum Abraha, 2023 ONLTB 38047

**Date:** 2023-05-19

**File Number:** LTB-L-058609-22

**In the matter of:** 1405, 294 CHANDLER DR KITCHENER  
ON N2E2K1

**Between:** Galaxy Real Estate Core Ontario Properties LP Landlord

**And**

Fitsum Abraha and Werknesh Tenant  
Gebreyohannes

Galaxy Real Estate Core Ontario Properties LP (the 'Landlord') applied for an order to terminate the tenancy and evict Fitsum Abraha and Werknesh Gebreyohannes (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 24, 2023.

Only the Landlord's representative F. Simms attended the hearing.

### **Determinations:**

1. 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,684.98. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$55.40. This amount is calculated as follows: \$1,684.98 x 12, divided by 365 days.
5. The Tenant has paid \$12,591.50 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$0.00.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and as only the filing fee remains

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unpaid, I find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.

**It is ordered that:**

1. The Tenant shall pay to the Landlord the sum of \$186.00, representing the filing fee owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 1, 2023 at 6.00% annually on the balance outstanding.

**May 19, 2023**

**Date Issued**

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Peter Nicholson

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.

