



**Order Utilizing Section 78  
Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Boardwalk General Partnership v Moises Aragon, 2023 ONLTB 36770

**Date:** 2023-05-15

**File Number:** LTB-L-028342-22

**In the matter of:** 202, 90 CONWAY DR  
LONDON ON N6E2V9

**Between:** Boardwalk General Partnership

Landlord

**And**

Moises Aragon

Tenant

Boardwalk General Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Moises Aragon (the 'Tenant') because the Tenant owes rent and the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on May 2, 2023.

Only the Landlord's Agent Carla Livingstone attended the hearing.

As of 10:43 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**L1/N4 application – It is ordered that:**

1. The Tenant paid the Landlord for the period ending April 30, 2023. The amount paid represent all the rent that was in arrears under the tenancy agreement including the filing fee for this application.
2. The Landlord's application for an order terminating the tenancy and evicting the Tenant based on rent arrears is discontinued.

**L2/N8 application – Determinations:**

1. The Landlord requested the Tenant be given a 12-month condition to pay the monthly rent on time and in full. I have considered all of the disclosed circumstances in accordance with

subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

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2023 ONL TB 36770 (CanLII)

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant must pay the Landlord the lawful monthly rent on time and in full for the next 12 months.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

**May 15, 2023**

**Date Issued**

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Anthony Bruno

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.

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