



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

**Citation:** Toronto Community Housing Corporation v Dimoulakis, 2023 ONLTB 26184

**Date:** 2023-03-21

**File Number:** LTB-L-039773-22

**In the matter of:** 419-145 Strathmere Boulevard  
Toronto, ON M4J 4Y9

**Between:** Toronto Community Housing Corporation Landlord

**And**

Georgios Dimoulakis Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Georgios Dimoulakis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 27, 2023.

Only the Landlord's Legal Representative attended the hearing.

As of 10:32 am, 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.

### **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 \$890.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$29.26. This amount is calculated as follows: \$890.00 x 12, divided by 365 days.

5. The Tenant has paid \$3,608.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$4,997.38.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

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### *Section 83 Considerations*

9. The Landlord's Legal Representative requested that a conditional order be issued.
10. 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.

### **It is ordered that:**

11. The Tenant shall pay to the Landlord \$5,183.38 as follows:
  - a) On or before the 1<sup>st</sup> of each month in addition to the regular lawful rent, \$100.00 per month starting April 1, 2023, until June 1, 2027.
  - b) A final payment of \$83.38 to be made on July 1, 2027.
12. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period starting April 1, 2023, to July 1, 2027, or until the arrears are paid in full, whichever date is earliest.
13. If the Tenant does not make the payments in accordance with this order, the Landlord may apply to the Board under s. 78 of the Act without notice to the Tenant, for an order terminating the Tenancy and evicting the Tenant. The Landlord must make this application no later than 30 after the Tenant's failure to make a payment. As part of this application, the Landlord can also request an order for new arrears, NSF cheque fees and related administrative charges and the cost of filing the application.

**March 21, 2023**

**Date Issued**

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Jagger Benham

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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