



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Starlight Canadian Residential Growth Fund II v Grabowski, 2022 ONLTB 13945

**Date:** 2022-12-08

**File Number:** LTB-L-014109-22

**In the matter of:** 1002, 301 DIXON RD  
ETOBICOKE ON M9R1S2

**Between:** Starlight Canadian Residential Growth Fund II Landlord

**And**

Rafal Grabowski Tenant

Starlight Canadian Residential Growth Fund II (the 'Landlord') applied for an order to terminate the tenancy and evict Rafal Grabowski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 28, 2022. Only the Landlord's legal representative S. Harris attended the hearing. As of 10:44 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 \$1,215.25. It is due on the 1st day of each month.
4. The Tenant has paid \$9,797.00 to the Landlord since the application was filed. As of the hearing date, the Tenant had a credit of \$59.92.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The balance owing for the filing fee is \$126.08.
7. 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 pursuant to subsection 83(1)(a) of the Act because the arrears were paid in full before the hearing date. The only amount outstanding is a portion of the filing fee and the Tenant shall be ordered to pay this to the Landlord.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$126.08 which represents the balance owing to the Landlord for the application filing fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 19, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 20, 2022 at 4.00% annually on the balance outstanding.

**December 8, 2022**

**Date Issued**

\_\_\_\_\_  
Donna Adams

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.