



Order under Section 9(2) and Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-010670-23

In the matter of: 303, 146 Brock Avenue
Toronto Ontario M6K2L4

Between: Michael Burke Tenant

And

Brock Avenue Studios Landlord

Michael Burke (the 'Tenant') applied for an order:

- to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies (A1 Application).
- determining that Brock Avenue Studios (the 'Landlord') collected or retained money illegally (T1 Application).

This application was heard by videoconference on March 3, 2026.

The Tenant's Legal Representative, Dan McIntyre and the Tenant attended the hearing.

The Landlord's Legal Representative, Eric Steiman and the Landlord's Operation Manager, Mo Nigm attended the hearing.

The parties mutually agreed to resolve all matters at issue in this application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

Agreed Upon Facts:

1. The application is amended to name the proper Landlord, being Brock Avenue Studios.
2. The Tenant claims he has resided at the rental unit since 2015, and this was brought to the Landlord's attention when this application was filed.
3. The Tenant started to reside at the rental unit for the sole purpose of residing there as a residential Tenant.
4. When the Tenant originally moved in, he was a roommate of the former tenant, and when the former tenant vacated, he became the sole Tenant.

5. After the former tenant vacated the Tenant became an unauthorized occupant, and the Landlord did not file an A2 application, and therefore, the Tenant went from being an unauthorized occupant to the sole Tenant.
6. The Tenant paid rent in full when he became the sole Tenant.
7. The Tenant has never carried on any commercial business in the rental unit, nor does he intend to.
8. At no time did the Tenant sign a commercial lease with the Landlord.
9. The Landlord and Tenant agree that the lawful monthly rent effective March 1, 2026, is \$2,089.00.
10. I am satisfied from the Landlord and Tenant's agreed upon facts that the *Residential Tenancies Act, 2006*, applies and that it would be appropriate to permit them to enter into a consent agreement consenting that the Act applies.

On consent it is ordered that:

1. The *Residential Tenancies Act, 2006* applies.
2. The Tenant will receive a one time rent credit effective March 1, 2026, in the amount of \$2,089.00, which will be applied to the lawful monthly rent owing for March 2026.
3. The Landlord will pay the Tenant the amount of \$7,500.00, by cheque made payable to the Tenant on or before March 31, 2026.
4. If the Landlord does not pay the Tenant the full amount owing on or before March 31, 2026, the Landlord will start to owe interest. This will be simple interest calculated from April 1, 2026, at 4% annually on the balance owing.
5. If the full amount owing is not paid to the Tenant by March 31, 2026, the Tenant may offset the lawful monthly rent owing commencing April 1, 2026, until such time the amount is paid in full.
6. This resolves all issues of the tenancy to March 3, 2026.

March 6, 2026
Date Issued

Trish Carson

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.