



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-107991-25

In the matter of: 903, 38 DIXINGTON CRES
ETOBICOKE ON M9P 2K7

Between: Drake Property Management

Landlord

and

Eric Luty

Tenant

Drake Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Eric Luty (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 12, 2026. The Landlord's representative, Sabrina Marchionne, and the Tenant attended the hearing.

Determinations:

1. The Tenant testified that in year 2006, 2009, 2011, and 2012, his rent may have been unlawfully increased. He referred to letters delivered by the former Landlords in those years. The Landlord's representative stated that the Tenant has never raised this issue with the current Landlord. She indicated that the Tenant has been paying the rent including his recent payment of the arrears for this application. She further indicated that no application has been filed with the Board concerning the lawful rent.
2. Subsection 136(1) of the *Residential Tenancies Act, 2006* (the 'Act') provides that rent charged one or more years earlier shall be deemed to be lawful rent unless an application has been made within one year after the date that amount was first charged and the lawfulness of the rent charged is in issue in the application.
3. The Tenant testified that he has never filed an application with the Board regarding increases because he was unaware of s.136(1) of the Act. Considering the Tenant's submission and the fact that there is no evidence before me that the Tenant filed an application within one year of the alleged increases, I find the rent is deemed lawful.

L1 Application

4. 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.

5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,228.14. It is due on the 1st day of each month.
7. It is undisputed that the Tenant has paid \$3,549.96 to the Landlord since the application was filed. The rent arrears owing to March 31, 2026 are \$1,032.17. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. Accordingly, the total amount the Tenant owes the Landlord is \$1,218.17.
8. 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:

1. The Tenant shall pay to the Landlord \$1,218.17 for arrears of rent up to March 31, 2026, which includes the \$186.00 filing fee, in accordance with the following schedule:
 - On April 1, 2026, the amount of \$203.03;
 - On May 1, 2026, the amount of \$203.03;
 - On June 1, 2026, the amount of \$203.03;
 - On July 1, 2026, the amount of \$203.03;
 - On August 1, 2026, the amount of \$203.03; and
 - On September 1, 2026, the amount of \$203.02.
2. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 1, 2026 to September 30, 2026, or until the arrears are paid in full, whichever date is earliest.
3. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the Board within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after March 31, 2026.

March 30, 2026
Date Issued

Adeela Alvez
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.