



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-007861-26

In the matter of: 1001, 2700 BATHURST ST.
NORTH YORK ON M6B2Z7

Between: Hillhurst Park Apartments Landlord

And

Damian Berkley Tenants
Tamia Berkley

Hillhurst Park Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Damian Berkley and Tamia Berkley (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 13, 2026.

Only the Landlord's representative, Mark Ciobotaru, attended the hearing.

As of 1:23 p.m., the Tenants were not present or represented at the hearing. The Board's records contain no record of the notice of hearing being sent to the Tenant but the Landlord informed the Tenant of the hearing and the Tenant filed a request to reschedule, thus demonstrating that they knew about the hearing.

The hearing proceeded with only the Landlord's evidence. The Tenant's request to reschedule was not granted in advance of the hearing, the Tenant did not attend the hearing to request an adjournment, and the Tenant provided no supporting documentation such as a doctor's note with the request to reschedule.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$2,400.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$78.90. This amount is calculated as follows: \$2,400.00 x 12, divided by 365 days.
5. The Tenants have paid \$6,841.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2026, are \$3,343.03.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,400.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$26.93 is owing to the Tenants for the period from October 1, 2025, to April 13, 2026.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlord attempted to negotiate a repayment agreement with the Tenants and find that it would not be unfair to postpone the eviction until May 31, 2026, pursuant to subsection 83(1)(b) of the Act. The Landlord was agreeable to this date.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$3,529.03 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$5,929.03 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after May 31, 2026, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before May 31, 2026.**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$272.20. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing

to the Tenants \$78.90 per day for compensation for the use of the unit starting April 14, 2026, until the date the Tenants move out of the unit.

6. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before May 31, 2026, then starting June 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 1, 2026.

April 20, 2026
Date Issued

Amanda Kovats
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 1, 2026, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2026

Rent Owing To April 30, 2026	\$10,184.03
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$6,841.00
Total the Tenants must pay to continue the tenancy	\$3,529.03

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2026

Rent Owing To May 31, 2026	\$12,584.03
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$6,841.00
Total the Tenants must pay to continue the tenancy	\$5,929.03

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$8,809.73
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$6,841.00
Less the amount of the last month's rent deposit	- \$2,400.00
Less the amount of the interest on the last month's rent deposit	- \$26.93
Total amount owing to the Landlord	\$(272.20)
Plus, daily compensation owing for each day of occupation starting April 14, 2026	\$78.90 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	