



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

File Number: LTB-L-042968-25

In the matter of: 306, 400 THE EAST MALL
ETOBICOKE ON M9B3Z9

Between: Duc Thi Dao Landlord

And

Marc Pawlyshyn Tenant

Duc Thi Dao (the 'Landlord') applied for an order to terminate the tenancy and evict Marc Pawlyshyn (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2026.

The Landlord's representative Brooke Stewart and the Tenant attended the hearing.

Reasons:

1. This is an application for an order for payment of rent arrears. It was scheduled on the basis that the Tenant intended to raise issues pursuant to section 82 of the *Residential Tenancies Act, 2006* (RTA). At the hearing, he indicated that he no longer intended to raise those issues in this proceeding, because he has filed his own applications instead.
2. The parties agree that the Tenant paid all the arrears owing, and the Landlord's filing fee, in August 2025. At the hearing, I indicated that the application would be discontinued pursuant to section 74(2) of the RTA. On reflection, this is not an application to terminate the tenancy, so section 74(2) does not apply. However, the Landlord asked to withdraw the application, and I consent to the request.
3. The Tenant wished to raise an issue regarding an overpayment. I gather that the Landlord acknowledges the overpayment and intends to reimburse the Tenant. In any case, the overpayment could not have been dealt with in this proceeding since it was not disclosed in accordance with section 82(2). If there is any outstanding dispute regarding the overpayment, the parties will have to resolve it in a different proceeding.

It is ordered that:

1. The application is withdrawn.

April 30, 2026
Date Issued

Dale Whitmore
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$1,400.00
Total amount owing to the Landlord	\$1,400.00