



Order under Section 69 Residential Tenancies Act, 2006

Citation: Midan Properties Inc. v Da Silva, 2026 ONLTB 36549

Date: 2026-05-06

File Number: LTB-L-015486-26

In the matter of: 304, 1111 LAWRENCE AVE W
NORTH YORK ON M6A1E1

Between: Midan Properties Inc. Landlord

And

Daniel Da Silva Tenant

Midan Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Da Silva (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on May 4, 2026.

Only the Landlord's Legal Representative, Bryan Rubin, and the Landlord's Agent, Jim Adessky, attended the hearing.

As of 10:23 a.m. 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:

L1 Application – Non-Payment of Rent

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 \$1,473.98. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$48.46. This amount is calculated as follows: $\$1,473.98 \times 12$, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to May 31, 2026 are \$11,947.17.
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 \$1,473.98 from the Tenant 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.

L2 Application – Persistent Late Payment of Rent

9. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month.
10. The Tenant made an advanced rent payment in January, 2025 that covered their rent through June, 2025 and part of their rent for July, 2025. Since that time the Tenant has only made one rent payment of \$4,000.00 on November 8, 2025. I find that this constitutes late payment of rent for 6 of the 12 months prior to service of the N8 Notice of Termination, specifically July through November, 2025 and January, 2026.
11. The Tenant has not made any payments of rent since the N8 notice of termination was served. Additionally, the Tenant has a previous history of persistent late payment of rent extending back to 2023, and 2024.

Relief from Eviction

12. The Landlord seeks a termination of the tenancy as the rent arrears are substantial and the Tenant has not been responsive to efforts to establish a repayment plan for the rent arrears. Additionally, the Landlord seeks termination on a non-voidable basis due to the Tenant's extensive history of persistent late payment of rent.
13. The Tenant did not attend to give evidence as to their personal circumstances and the Landlord's Legal Representative was aware of none.
14. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Pursuant to the L2 Application, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 17, 2026. Given

this, there is no opportunity for the Tenant to void this order by paying the rent arrears owing pursuant to the L1 application.

2. The Tenant shall pay the Landlord any rent arrears owing up to the date of the hearing and the cost of filing the application. The amount of the rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant.
3. As of the date of the hearing, the Tenant owes the Landlord \$9,379.05. See Schedule 1 for the calculation of the amount owing.
4. The Tenant shall also pay the Landlord compensation of \$48.46 per day for the use of the unit starting May 5, 2026 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before May 17, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 18, 2026 at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 17, 2026, then starting May 18, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 May 18, 2026.

May 6, 2026
Date Issued

Benjamin Seigel
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 of the Tenant expires on November 18, 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 Tenant must pay as the tenancy is terminated

Rent Owing To May 4, 2026	\$10,667.03
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	-\$1,473.98
Total amount owing to the Landlord	\$9,379.05
Plus daily compensation owing for each day of occupation starting May 5, 2026	\$48.46 (per day)