



Order under Section 79 Residential Tenancies Act, 2006

File Number: LTB-L-104276-25

In the matter of: 608, 250 COSBURN AVE
EAST YORK ON M4J2M1

Between: Virgilio Ferreira Landlord

And

Mary Theresa Birmingham Tenant

Virgilio Ferreira (the 'Landlord') applied for an order to terminate the tenancy and evict Mary Theresa Birmingham (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on April 15, 2026.

Only the Landlord, the Landlord's support person Mark Ferreira and the Landlord's Legal Representative Tariq Obedi attended the hearing.

As of 9:33 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:

1. The Landlord applied to the Board on December 9, 2025 asking the Board to determine that the Tenant has abandoned the rental unit and issue an order terminating the tenancy on that basis.
2. The Board's Interpretation Guideline 4 entitled Abandonment of a Rental Unit explains the concept of abandonment as follows:

Abandonment is a unilateral act by the tenant to relinquish their tenancy and give up possession of the rental unit without properly giving notice of the termination to the landlord. If the landlord is not sure whether or not a rental unit has been abandoned, they may file an application for determination of this issue with the Board; however, it should be noted the Board has no jurisdiction to issue an order for rent or

compensation if a tenant is no longer in possession of the rental unit (see section 87). In this case, the landlord may seek a remedy by applying to Court.

3. Section 2(3) of the *Residential Tenancies Act, 2006* (the 'Act') provides that a rental unit is not considered abandoned where the tenant is not in arrears of rent. Even if there is evidence of abandonment, such as the furniture being removed, the landlord cannot treat the unit as abandoned before the end of the rental period if the rent is full paid.
4. The Landlord testified that the last payment that was received from the Tenant towards rent was for July, 2025 and the Tenant is in arrears of rent.
5. The Landlord further testified that they have been unable to make contact with the Tenant, although they did reach the Tenant's daughter who advised the Landlord that she did not know where her mother was.
6. On August 19, 2025 the Landlord sent a notice of entry to the Tenant for August 21, 2025 as it appeared there was a leak emanating in the Tenant's unit, which was affecting the unit below.
7. In addition Toronto Fire Services also conducted their own inspection of the rental unit on the same date, which resulted in an order being issued to the Landlord as the fire inspection revealed excessive amounts of combustible materials throughout the rental unit, which constituted a fire hazard and will impact containment of fire and negatively affect the means of egress for occupants and first responders. The order required the clean-up and removal of all combustibles by October 15, 2025.
8. The Landlord stated that at the time of the fire inspection photographs of the unit were taken by the fire inspector. Copies of those photographs were tendered as evidence at the hearing of this matter.
9. The photographs depict large amounts of debris and garbage throughout the unit several feet deep, and in certain areas the debris and garbage is almost to the ceiling. The photographs depict the unit as unoccupied and uninhabitable.
10. The Landlord sent a copy of the Inspection Order issued by Toronto Fire Services to the Tenant on September 9, 2025 requiring clean-up of the unit, but did not receive a response from the Tenant, nor was any action taken by the Tenant to clean-up the debris in the unit.
11. The Landlord testified that they have not seen or heard from the Tenant in several months and the unit appears to have been abandoned in a state of disarray.
12. Based on the uncontested evidence before me, on a balance of probabilities I am satisfied that the Tenant has abandoned the rental unit.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.

2. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before May 24, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 25, 2026 at 4.00% annually on the balance outstanding.

May 13, 2026
Date Issued

Sean Ramage
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.