



Order under Section 69 Residential Tenancies Act, 2006

Citation: TORONTO COMMUNITY HOUSING CORP v WALTERS, 2026 ONLTB 47645

Date: 2026-06-19

File Number: LTB-L-047809-24

In the matter of: 304, 55 GREENBRAE CIRCT
Toronto ON M1H1R1

Between: TORONTO COMMUNITY HOUSING CORP Landlord

And

IRENE WALTERS
CLAYTON WALTERS Tenant

TORONTO COMMUNITY HOUSING CORP (the 'Landlord') applied for an order to terminate the tenancy and evict IRENE WALTERS and CLAYTON WALTERS (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's Agent, Dale Maingot, the Tenant's Legal Representative, Sandra Askew, and the Tenant, Clayton Walters, attended the hearing.

Determinations:

Section 82 Issues

1. The Tenant sought to raise issues under section 82 of the *Residential Tenancies Act, 2006* (the "Act").
2. The wording of subsections 82(1) and (2) of the Act provides that a tenant shall be permitted to raise any issue that could be the subject of a tenant application under the Act in response to a rent arrears application made by the Landlord, if the tenant complies with the requirements set out in section 82 of the Act and the Board's Rules.
3. Subsection 82(3) of the Act then provides that if a tenant raises issues under section 82 of the Act, the Board can make any order in respect of the issue that it could have made had the tenant made an application under the Act. In my view, this is a direction from the legislature that issues raised under section 82 of the Act ought to be treated like a formal application.

4. Tenant applications are governed by subsection 29(2) of the Act, which stipulates that a tenant application cannot be made more than one year after the day the alleged conduct giving rise to the application occurred.
5. The limitation period prescribed by subsection 29(2) runs from the date the Tenant formally raised the issues in accordance with the requirements of section 82 of the Act and the Rules. In this case, that date is September 17, 2024. There is no dispute that the Tenant filed their "Issues a Tenant Intends to Raise at a Rent Arrears Hearing" form ("section 82 form") with the Board and served the Landlord the disclosure on this date.
6. The Tenant acknowledged that the repairs for the issues identified by the Tenant in their section 82 form were completed in August 2023, more than one year before September 17, 2024.
7. As such, the Tenant is out of time to bring an application before the Board with respect to the issues identified and the Tenant's claim under section 82 must be dismissed.

Arrears

8. 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.
9. The Tenant was in possession of the rental unit on the date the application was filed.
10. The Tenant vacated the rental unit on October 31, 2025. Rent arrears are calculated up to the date the Tenant vacated the unit
11. The lawful rent is \$903.00. It was due on the 1st day of each month.
12. The Tenant has paid \$14,454.00 to the Landlord since the application was filed.
13. The rent arrears owing to October 31, 2025 are \$4,928.00. The Tenant agreed with the amount of arrears.
14. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
15. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2025, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$5,114.00. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.

3. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.

June 19, 2026
Date Issued

Vicky Liu
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	\$19,382.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$14,454.00
Total amount owing to the Landlord	\$5,114.00