



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

File Number: LTB-L-030366-26

In the matter of: B008, 35 TOBERMORY DR
NORTH YORK ON M3N2R6

Between: SKPM RENTS 20 Landlord

And

DARLINGTON NOWAKPOMWEN Tenant

SKPM RENTS 20 (the 'Landlord') applied for an order to terminate the tenancy and evict DARLINGTON NOWAKPOMWEN (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 18, 2026.

The Landlord's Representative, Sharon Harris, and the Tenant attended the hearing.

Determinations:

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. The Tenant was in possession of the rental unit on the date the application was filed.

Preliminary Issue - Issues a Tenant Intends to Raise at a Rent Arrears Hearing

3. The Tenant was intending on raising maintenance issues under s. 82 of the Act but failed to comply with the service requirements to raise such issues. The Tenant uploaded several documents to the Portal but stated that they did not disclose them to the Landlord seven days prior to the hearing.
4. Section 82 states:

82 (1) At a hearing of an application by a landlord under section 69 for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 59, the Board shall permit the tenant to raise any issue that could be the subject of an application made by the tenant under this Act if the tenant,

- (a) complies with the requirements set out in subsection (2); or
- (b) provides an explanation satisfactory to the Board explaining why the tenant could not comply with the requirements set out in subsection (2). 2020, c. 16, Sched. 4, s. 16.

5. Section 82(2) states:

Requirements to be met by tenant

(2) The requirements referred to in subsection (1) are the following:

- 1. The tenant shall give advance notice to the landlord of the tenant's intent to raise the issue at the hearing.
- 2. The notice shall be given within the time set out in the Rules.
- 3. The notice shall be given in writing and shall comply with the Rules. 2020, c. 16, Sched. 4, s. 16

6. The Tenant states that they did not know about the service requirements under the Act. I am not satisfied with the Tenant's explanation as to why they were not able to comply with the service requirements outlined in the Act. Therefore, they have failed to comply with the requirements to be met by a tenant under s. 82 and they were not permitted to raise these issues at the hearing. The Tenant was advised that they still have the right to file their own tenant application with the Board.

Rent Arrears

- 7. The Tenant vacated the rental unit on May 22, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit
- 8. The lawful rent is \$1,799.00. It was due on the 1st day of each month.
- 9. The Tenant has not made any payments since the application was filed.
- 10. The rent arrears owing to May 22, 2026, are \$5,397.00.
- 11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
- 12. The Landlord collected a rent deposit of \$1,799.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
- 13. Interest on the rent deposit, in the amount of \$14.70 is owing to the Tenant for the period from January 1, 2026, to May 22, 2026.

It is ordered that:

- 1. The tenancy between the Landlord and the Tenant is terminated as of May 22, 2026, the date the Tenant moved out of the rental unit.

2. The Tenant shall pay to the Landlord \$3,271.60. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 July 5, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 6, 2026, at 4.00% annually on the balance outstanding.

June 24, 2026
Date Issued

Chris Hall
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	\$5,397.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,799.00
Less the amount of the interest on the last month's rent deposit	- \$14.70
Total amount owing to the Landlord	\$3,769.30