



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

File Number: TEL-17539-21-RV-2

In the matter of: APT. 6, 300 MONTRAVE AVENUE
OSHAWA ON L1J4S2

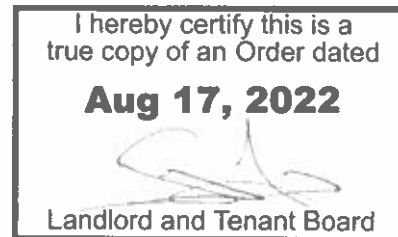
Between: Lanmark Management Limited

Landlord

and

Angela Saraco
Ebenezer Quaidoo
Jennifer Quaidoo

Tenants



Review Order

Lanmark Management Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Ebenezer Quaidoo, Jennifer Quaidoo and Angela Saraco (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order TEL-17539-21 issued on February 11, 2022.

On February 25, 2022, the Tenants requested a review of the order.

The request was heard on May 25, 2022 where the Landlord's representative Cole Foley and the Tenant attended the hearing. The Landlord's representative was instructed to provide post hearing submissions to present the Landlord's bank statements showing the e-transfers the Tenant's submissions show were made were received by the Landlord. These submissions were to be made by May 27, 2022. Review order TEL-17539-21-RV was issued on June 8, 2022 because no submissions were on file by that date.

The Landlord's representative informed the Board that the submissions had been made to the Board before May 27, 2022. Vice Chair Sean Henry determined that the submissions may have been received and were not entered into the Board records when the review order was issued. On June 17, 2022 the Board issued interim order TEL-17539-21-BIR-IN which granted the request for a Board Initiated Review.

The Board Initiated Review was heard on August 3, 2022. Only the Landlord's representative Cole Foley attended the hearing.

Determinations:

1. The Board received the Landlord's post hearing submissions which included the banking records for the account the Tenant Angela Saraco, claims to have sent the e-transfers to pay the rent she claimed was paid. As such, the request to review is granted.
2. The records show that no deposits were made to the account for the months in question.
3. The Landlord's representative submits that the evidence submitted by the Tenant is fraudulent. The Tenant did not provide copies of banking records to show that these payments were made.
4. I find there is a serious error in order TEL-17539-21 issued on February 16, 2022 which dismissed the Landlord's application.
5. I find the Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 16, 2021.
6. The Landlord collected a rent deposit of \$1,795.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from December 15, 2020 to June 16, 2021. Therefore, the Tenants are entitled to an abatement of rent of \$1,750.00.
8. The Tenants vacated the rental unit on October 16, 2021.

It is ordered that:

1. Order TEL-17539-21 issued on February 16, 2021 and review order TEL-17539-21-RV issued on June 8, 2022 are cancelled and replaced by the following: The tenancy between the Landlord and the Tenants is terminated as of October 16, 2021.
2. The Tenants shall pay to the Landlord \$4,597.54*, which represents the amount of rent owing and compensation up to October 16, 2021, less the rent deposit and interest the Landlord owes on the rent deposit and less the amount of the abatement the Landlord owes the Tenants.
3. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.



August 17, 2022
Date Issued

Greg Joy
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

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

* Refer to the attached Summary of Calculations

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: TEL-17539-21-RV-2

Amount the Tenants must pay:

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2021 to October 31, 2021	\$8,975.00
Less amount owing to the Tenant for abatement/rebate:		-\$1,750.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 16, 2021	\$7,411.00