



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

**File Number:** TNL-32985-21

**In the matter of:** 87 MICHELLE DRIVE  
WOODBIDGE ON L4L9B9

**Between:** Carlos Diaz Landlords  
Ana Lozano

**and**

Carlo Defrancesca Tenants  
Rosanna Defrancesca

Carlos Diaz and Ana Lozano (the 'Landlords') applied for an order to terminate the tenancy and evict Carlo Defrancesca and Rosanna Defrancesca (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 3, 2021. Only the Landlord's Legal Representative, Jordan Nieuhof attended the hearing. As of 11:15 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 1, 2021 to August 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective June 11, 2021.
2. The Tenants vacated the rental unit on August 12, 2021. The Tenants were in possession of the rental unit on the date the application was filed.
3. The lawful monthly rent was \$2,950.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$2,300.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from September 1, 2007 to June 11, 2021.

**It is ordered that:**

1. The Tenants vacated the rental unit on August 12, 2021. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants shall pay to the Landlords \$7,192.10\*, which represents the amount of rent owing and compensation up to August 12, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlords the full amount owing\* on or before October 7, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 8, 2021 at 2.00% annually on the balance outstanding.

**September 27, 2021**  
**Date Issued**



Kathleen Wells  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

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

\* Refer to section A on the attached Summary of Calculations.

**Schedule 1  
SUMMARY OF CALCULATIONS**

**File Number: TNL-32985-21**

**A. Amount the Tenants must pay as the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	May 1, 2021 to June 11, 2021	\$4,016.85
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 12, 2021 to August 12, 2021	\$6,013.38
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit:	September 1, 2007 to June 11, 2021	-\$538.13
<b>Amount owing to the Landlords on the order date:(total of previous boxes)</b>		<b>\$7,192.10</b>
Additional costs the Tenants must pay to the Landlords:		\$186.00
<b>Total the Tenants must pay the Landlords as the tenancy is terminated:</b>		<b>\$7,378.10</b>

2021 CanLII 129785 (ON LTB)