



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

Citation: Battaglia v Zacharias, 2023 ONLTB 22361

Date: 2023-03-06

File Number: LTB-L-038082-22

In the matter of: 407, 10 Gibbs Road
Toronto ON M9B6L6

Between: Domenica Battaglia Landlords
Sandro Battaglia

And

Kara Zacharias Tenant

Domenica Battaglia and Sandro Battaglia (the 'Landlords') applied for an order to terminate the tenancy and evict Kara Zacharias (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 14, 2023. One Landlord, Sandro Battaglia, and the Landlord's representative, Marian Lippa, attended the hearing. As of 9:45 am, 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 Landlords served the Tenant with a valid Notice to End the 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.
3. The Tenant vacated the rental unit on January 15, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,500.00. It was due on the 18th day of each month.
5. The Tenant has paid \$13,500.00 to the Landlords since the application was filed.
6. The rent arrears owing to January 15, 2023 are \$6,383.51.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,500.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

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9. Interest on the rent deposit, in the amount of \$56.85 is owing to the Tenant for the period from February 18, 2022 to January 15, 2023.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated as of January 15, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$4,012.66. 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 Landlords owe 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 Landlords the full amount owing on or before March 17, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 18, 2023 at 5.00% annually on the balance outstanding.

March 6, 2023
Date Issued

Frank Ebner
Member, Landlord and Tenant Board

15 Grosvenor St, 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	\$19,883.51
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$13,500.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,500.00
Less the amount of the interest on the last month's rent deposit	- \$56.85
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$4,012.66

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