



Order under Section 69 Residential Tenancies Act, 2006

Citation: Anita Tirinato v Fiona Duntsch, 2023 ONLTB 38164

Date: 2023-05-29

File Number: LTB-L-064701-22

In the matter of: 1837 ST. JOHN'S RD
INNISFIL ON L9S1T4

Between: Anita Tirinato and FUSE PROPERTY MANAGEMENT Landlord

And

Fiona Duntsch and Tim Truax Tenants

Anita Tirinato and FUSE PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict Fiona Duntsch and Tim Truax (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on May 9, 2023.

Only the Landlord's Representative Cassandra Weatherston attended the hearing.

As of 9:36a.m., the Tenants were 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,800.93. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$59.21. This amount is calculated as follows: \$1,800.93 x 12, divided by 365 days.
5. The Tenants have paid \$14,234.79 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2023 are -\$8.14.

Order Page: 1 of 2

File Number: LTB-L-064701-22

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction. The only outstanding amount is \$177.86 of the Landlord's filing fee. It would not be fair in the circumstances to evict the Tenants for that amount when they have made significant strides in paying down the arrears.

It is ordered that:

1. The Tenants shall pay to the Landlord \$177.86 for their filing fee.
2. If the Tenants do not pay the Landlord the full amount owing on or before June 10, 2023 the Tenant will start to owe interest. This will be simple interest calculated from June 11, 2023 at 6% annually on the balance outstanding.

May 29, 2023

Date Issued

Amanda Kovats

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.

