



**Order under Section 69 and 87
Residential Tenancies Act, 2006**

Citation: SILVERIO ROLO v NATASHA STRAZZ, 2023 ONLTB 33135

Date: 2023-04-27

File Number: LTB-L-033308-22

In the matter of: 2ND FLOOR ROOM C, 221 GRACE STREET
TORONTO ONTARIO M6G3A7

Between: SILVERIO ROLO Landlord

And

NATASHA STRAZZ Tenant

SILVERIO ROLO (the 'Landlord') applied for an order to terminate the tenancy and evict NATASHA STRAZZ (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

SILVERIO ROLO (the 'Landlord') also applied for an order to terminate the tenancy and evict NATASHA STRAZZ (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard by videoconference on April 17, 2023.

Only the Landlord's Legal Representative Debbesha Morris attended the hearing.

As of 11:17 a.m., 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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

L1 Application

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.
2. 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.

3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on May 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent was \$800.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to May 31, 2022 are \$5,000.00.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$800.00 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. At the hearing, the Landlord's Legal Representative stated there was no rent deposit being held, however post hearing, my review of the application shows a rent deposit was collected on September 1, 2021. The rent arrears claimed do not reflect this deposit as having being used by the Landlord.
10. Interest on the rent deposit, in the amount of \$7.15 is owing to the Tenant for the period from September 2, 2021 to May 31, 2022.

L2 Application

11. Since the Tenant vacated the rental unit on May 31, 2022, the Landlord requested consent of the Board to withdraw their L2 application. Pursuant to section 200(4) of the Act, I consented to the request.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of May 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$4,393.85. 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 May 8, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 9, 2023 at 6.00% annually on the balance outstanding.
4. The Landlord's L2 application is dismissed.

April 27, 2023

Date Issued

John Cashmore

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

B.

Rent Owing To Move Out Date	\$5,000.00
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$800.00
Less the amount of the interest on the last month's rent deposit	- \$7.15
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	\$4,393.85