



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

Citation: Rodalyn Rivo Estayo v Tavia Cuthbertson, 2023 ONLTB 32306

Date: 2023-04-25

File Number: LTB-L-056253-22

In the matter of: 201 SOUTH BEND RD E HAMILTON
ON L9A2C1

Between: Fred Aquino Estayo and Rodalyn Rivo Estayo Landlords

And

Aisha Ahmed, Emma McCutcheon and Tavia Tenants Cuthbertson

Fred Aquino Estayo and Rodalyn Rivo Estayo (the 'Landlords') applied for an order to terminate the tenancy and evict Aisha Ahmed, Emma McCutcheon and Tavia Cuthbertson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 12, 2023.

The Landlord, Rodalyn Estayo, and the Landlords' Legal Representative, Will Redgate, attended the hearing

As of 2:01 p.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 Landlords 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. The Tenants were in possession of the rental unit on the date the application was filed.

3. The Tenants vacated the rental unit on February 4, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,500.00. It was due on the 12th day of each month.
5. The Tenants have paid \$1,550.00 to the Landlords since the application was filed.

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6. The rent arrears owing to February 4, 2023, are \$12,922.56.
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 Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of February 4, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords **\$10,608.56**. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit the Landlords collected is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before May 6, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 7, 2023, at 6.00% annually on the balance outstanding.

April 25, 2023

Date Issued

Michael Di Salle

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.

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Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$14,472.56
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$1,550.00
Less the amount the Tenants 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 the Landlords owe the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$10,608.56