



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

**Citation:** Capreit Limited Partnership v Descalzi, 2023 ONLTB 25390

**Date:** 2023-03-09

**File Number:** LTB-L-045049-22

**In the matter of:** 2100 NASKAPI DR  
GLOUCESTER ON K1J8M3

**Between:** Capreit Limited Partnership Landlord

**And**

David Galindo and Sofia Descalzi Tenants

Capreit Limited Partnership and Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict David Galindo and Sofia Descalzi (the 'Tenants') because the Tenants did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 2, 2023.

Only the Landlord's Legal Representative, Allan Kouri, attended the hearing.

As of 10:25 a.m., the Tenant 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. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on September 15, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to September 15, 2022 are \$5,689.15.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,948.10 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.

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9. Interest on the rent deposit, in the amount of \$12.75 is owing to the Tenant for the period from March 1, 2022 to September 15, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of September 15, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$3,914.30. 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 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 Tenants do not pay the Landlord the full amount owing on or before March 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 21, 2023 at 5.00% annually on the balance outstanding.

**March 9, 2023**

Diane Wade

**Date Issued**

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	\$5,689.15
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,948.10
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$12.75
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$3,914.30</b>