



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

**Citation:** De Stefano v Ashton, 2023 ONLTB 24862

**Date:** 2023-03-09

**File Number:** LTB-L-034487-22

**In the matter of:** 55 Tindale Road Brampton  
ON L6V2G8

**Between:** Anthony De Stefano, Franca De Stefano and Joseph De Stefano Landlords

**And**

Brianna Jones-Milton, Edward Ashton, Tenants  
Matthew Ashton, Robert Ashton and Wendy Ashton

Anthony De Stefano, Franca De Stefano and Joseph De Stefano (the 'Landlords') applied for an order to terminate the tenancy and evict Brianna Jones-Milton, Edward Ashton, Matthew Ashton, Robert Ashton and Wendy Ashton (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 1, 2023.

The Landlord and the Tenant attended the hearing

Only the Landlord's legal representative, H. Hao, attended the hearing.

As of 10:45 a.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. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 26, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.

4. The lawful rent is \$2,650.00. 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 November 26, 2022 are \$18,165.12.

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7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of November 26, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$18,351.12. 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. 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**

**Date Issued**

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Nancy Morris

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	\$18,165.12
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants are entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$18,351.12</b>