



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

**Citation:** Skacha v Serrentino, 2023 ONLTB 20907

**Date:** 2023-02-15

**File Number:** LTB-L-024647-22

**In the matter of:** 407, 3028 CREEKSHORE COMMON  
OAKVILLE ON L6M1L8

**Between:** Michele Skacha and Peter Skacha Landlords

**And**

John Serrentino and Nicole Serrentino Tenants

Michele Skacha and Peter Skacha (the 'Landlords') applied for an order to terminate the tenancy and evict John Serrentino and Nicole Serrentino (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlords also applied for an order to terminate the tenancy and evict the Tenants because the Tenants have been persistently late in paying the Tenants' rent; and the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

This application was heard by videoconference on January 24, 2023.

Only the Landlords' legal representative, G. Villella, attended the hearing

As of 10:00 a.m., the Tenants were 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. As a result, the hearing proceeded with only the Landlords' evidence.

**Determinations:**

1. The Landlords' legal representative said that the Tenants moved out of the rental unit on May 31, 2022, and the tenancy terminated on that date.
2. Consequently, the Landlords withdrew their L2 application, and they are no longer seeking eviction.
3. The Landlords served the Tenants 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.
4. The Tenants were in possession of the rental unit on the date the application was filed.
5. The Tenants vacated the rental unit on May 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.

6. The lawful rent is \$ \$2,450.00 per month. It was due on the first day of each month.
7. The Tenants did not make any payments since the application was filed.
8. The rent arrears owing to May 31, 2022 are \$34,000.00. This includes the deduction of one month's rent that was waived in March 2020, in lieu of one month's rent compensation due pursuant to section 55.1 of the *Residential Tenancies Act, 2006*.
9. The Landlords incurred costs of \$186.00 for filing the application and they are entitled to reimbursement of those costs.
10. The Landlords collected a rent deposit of \$2,450.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated. No interest has yet been applied to the last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of May 31, 2022, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlords \$31,665.74. The Tenants owe the Landlords rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application, less the amount of rent deposit and interest the Landlords owe on the rent deposit. 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 February 26, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 27, 2023 at 5.00% annually on the balance outstanding.

**February 15, 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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$34,000.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlords 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	- \$2,450.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$70.26
<b>Less</b> the amount the Landlords owe 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 Landlords</b>	<b>\$31,665.74</b>