



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

Citation: Carnovale v Antle, 2023 ONLTB 20457

Date: 2023-02-15 File Number: LTB-L-016175-22

In the matter of: 8A VICTORIA ST E
ALLISTON ON L9R1T4

Between: Angela Carnovale, Benjamin Carnovale, Landlords
Ralph Carnovale and Richard Carnovale

And

James Antle and Mary Antle Tenants

Angela Carnovale, Benjamin Carnovale, Ralph Carnovale and Richard Carnovale (the 'Landlords') applied for an order to terminate the tenancy and evict James Antle and Mary Antle (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 28, 2022 at 1pm.

The Landlords and Tenants attended the hearing.

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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,050.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$34.52. This amount is calculated as follows: \$1,050.00 x 12, divided by 365 days.
5. The Tenants concede and agree that the current arrears are \$2231.30 as of September 28, 2022 .
6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlords collected a rent deposit of \$1,050.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

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8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
9. The Tenants and Landlords agree that the Tenants were never late with rent payments before February 2022, which the Tenants attribute to a business slow down and personal identity theft.
10. I accept that the Tenants have a long history of paying their rent on time and that unfortunate personal and business circumstances have resulted in the Tenants being late with rent payments. I am satisfied that in the circumstances the tenancy is viable and the Tenants ought to be permitted a further opportunity to preserve it by satisfying the arrears.

It is ordered that:

1. The Tenants shall pay the to the Landlords \$2231.30 and any other arrears accrued todate, less payments made, by February 26, 2023.
2. Commencing March 1, 2023 and continuing for one year or until the arrears are paid in full, whichever comes first, the Tenants shall pay the lawful monthly rent on time, by the first of the month.
3. Section 78 of the Residential Tenancies Act, 2006, S.O., 2006, c.17 applies to this Order for a period of one year. If the Tenants fail to comply with any of the conditions in paragraphs 1 or 2 above, then the Landlords, may, without notice to the Tenants, apply to the Board for an Order terminating the tenancy and evicting the Tenants. The Landlords must make this application no later than 30 days after a beach of a condition of this order.
4. The Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

February 15, 2023

Date Issued

John Tzanis

Member, Landlord and Tenant Board

15 Grosvenor Street, 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.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

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