



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

Citation: Flammia v Fabbro, 2023 ONLTB 15082

Date: 2023-01-16

File Number: LTB-L-011121-22

In the matter of: 340 Maki Road
Sault Ste. Marie, ON P6A6K4

Between: Frank Flammia Landlord

And

Ashley Harten Tenants
Jason Fabbro

Frank Flammia (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Harten and Jason Fabbro (the 'Tenants') because the Tenants have been persistently late in paying the Tenants' rent.

This application was heard by videoconference on January 9, 2023.

Only the Landlord attended the hearing.

As of 10:05 am, 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application.
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 October 17, 2022.
4. On February 8, 2022, the Landlord gave the Tenants an N8 notice of termination deemed served that same date. The notice of termination contains the following allegations:
 - a) That the Tenants paid the rent late every month from February 2021 until February 2022.
5. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late 13 times from February 2021 until February 2022.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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7. There is no last month's rent deposit.

It is ordered that:

8. The tenancy between the Landlord and the Tenants is terminated as of October 17, 2022, the day the Tenants vacated the unit.
9. The Tenants shall pay to the Landlord \$6,948.70, which represents compensation for the use of the unit from May 1, 2022 to October 17, 2022.
10. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
11. The total amount the Tenants owe the Landlord is \$7,134.70.
12. If the Tenants do not pay the Landlord the full amount owing on or before January 27, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 28, 2023 at 5.00% annually on the balance outstanding.

January 16, 2023

Date Issued

Jagger Benham
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.