



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-065811-25

In the matter of: Unit 2, 55 CREEKBANK RD
Toronto ON M6L0A3

Between: Orlando Arruda Landlord

And

Sarah Pantelousi Tenant

Orlando Arruda (the 'Landlord') applied for an order to terminate the tenancy and evict Sarah Pantelousi (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on November 6, 2025.

The Landlord, the Landlord's representative, Luminita E. Ambrono, the Tenant's representative, Tiffany Chenard, and the Tenant attended the hearing.

Determinations:

L2 Application – Persistent Late Payment of Rent

1. At the outset of the hearing, the Landlord's legal representative advised that the Tenant had vacated the rental unit on August 17, 2025. The L2 application for eviction is moot.

L1 Application -- Non-Payment of Rent

2. As a preliminary issue, the Tenant argued that she should not be required to pay the Landlord's filing fee because there was an agreement to terminate the tenancy and, on that basis, the Landlord ought not to have filed this application. The evidence established that there was discussion about the Tenant moving out, but there was no confirmed termination date and no signed agreement to terminate the tenancy. In the absence of any firm confirmation that the Tenant would be vacating, the Landlord proceeded to serve an N4 Notice to End Tenancy Early for Non-payment of Rent and an N8 Notice and filed this application on August 8, 2025. The Tenant remained in possession of the rental unit until August 17, 2025. I find that it was reasonable for the Landlord to serve the notices and file

the application in these circumstances, and the Tenant's objection to paying the filing fee is without merit.

3. The Landlord served the Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
5. The Tenant vacated the rental unit on August 17, 2025. Rent arrears are calculated up to the date the Tenant vacated the unit
6. The lawful rent is \$2,750.00. It was due on the 1st day of each month.
7. The Tenant has not made any payments since the application was filed. The Tenant did not dispute that at least one month's rent was owing, and I accept the Landlord's evidence as to the total outstanding balance.
8. The rent arrears owing to August 17, 2025, are \$4,286.97.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$2,750.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
11. Interest on the rent deposit, in the amount of \$91.54 is owing to the Tenant for the period from April 19, 2024 to August 17, 2025.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of August 17, 2025, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$1,631.43. This amount includes rent arrears owing up to the date the Tenant 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 Tenant does not pay the Landlord the full amount owing on or before January 16, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 17, 2026 at 4.00% annually on the balance outstanding.

January 5, 2026
Date Issued

Colin Elsby
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$4,286.97
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,750.00
Less the amount of the interest on the last month's rent deposit	- \$91.54
Total amount owing to the Landlord	\$1,631.43