



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

File Number: LTB-L-055680-25

In the matter of: 5, 17 WILMINGTON AVE
NORTH YORK ON M3H5H7

Between: Joe Busillo Landlord

And

Emese Szukenyik Tenant
Gaspar Horvath

Joe Busillo (the 'Landlord') applied for an order to terminate the tenancy and evict Emese Szukenyik and Gaspar Horvath (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 4, 2025.

The Landlord and the Landlord's Legal Representative, Marshall Yarmus attended the hearing.

As of 1:31 p.m., the Tenant 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 Landlord's evidence.

Determinations:

1. 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on November 8, 2025. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$2,250.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to November 8, 2025 are \$11,841.76.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,250.00 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.
9. Interest on the rent deposit, in the amount of \$43.00 is owing to the Tenant for the period from February 3, 2025 to November 8, 2025.
10. The Landlord's Legal Representative sought costs in the amount of \$300.00 for either this hearing date or the previous hearing date that was held on September 15, 2025 that was adjourned at the Tenant's request.
11. At the previous hearing date an interim order was issued as the Tenant requested an adjournment for the reason of requiring a translator, and it was granted and that the matter proceed peremptory on the Tenant at the next hearing date. It was also ordered that the Tenant pay all new rent on time until the matter is resolved or the LTB orders otherwise.
12. Rules 23.2 and 23.3 of the Rules of Procedure state;

23.2 A member may exercise discretion to order a party to pay another party's: a. representation/preparation fees;

b. and other out-of-pocket expenses.

Where the LTB orders a party to pay the representation/preparation fees incurred by another party, these fees shall not exceed \$100 per hour for the services of a paid representative to a maximum of \$700.

23.3 A party who engages in unreasonable conduct which causes undue delay or expense may be ordered to pay costs to another party.

13. I am not satisfied that it is appropriate to order costs against the Tenant for the adjournment request. The Landlord is obtaining a rent arrears order and requesting an adjournment for translation services, which the Board granted, is appropriate. In addition, I do not find that the Tenant engaged in unreasonable conduct to the extent requiring costs..

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of November 8, 2025, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$9,734.76. 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 20, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 21, 2026 at 2.5% annually on the balance outstanding.

January 9, 2026

Date Issued

Samantha Greaves

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	\$11,841.76
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,250.00
Less the amount of the interest on the last month's rent deposit	- \$43.00
Total amount owing to the Landlord	\$9,734.76