



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

File Number: LTB-L-085806-25

In the matter of: 528 Quaker Road
Welland ON L3C3G9

Between: Daniel Covello Landlord

And

Kelsey Mccoll Tenants
Chris Shearing

Daniel Covello (the 'Landlord') applied for an order to terminate the tenancy and evict Kelsey Mccoll and Chris Shearing (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 6, 2026.

Only the Landlord, Daniel Covello, attended the hearing.

As of 1:48 p.m., 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. The Landlord served the Tenants with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) on September 1, 2025. The N4 is defective as it was served on September 1, 2025, the same day the rent is due.
2. A defective N4 invalidates the application for eviction, not the application for rent arrears. Since the Tenants vacated the rental unit prior to the hearing, there is no eviction involved which means that the Landlord could proceed with the application for rent arrears only.
3. The Tenants vacated the rental unit on January 3, 2026. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$2,500.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.

6. The rent arrears owing to January 3, 2026, are \$10,246.57.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,500.00 from the Tenants 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 \$164.99 is owing to the Tenants for the period from April 1, 2023, to January 3, 2026.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of January 3, 2026, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$7,782.58. This amount includes rent arrears owing up to the date the Tenants 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 Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before January 25, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 26, 2026, at 4.00% annually on the balance outstanding.

January 14, 2026
Date Issued

Sheena Brar
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 Tenants must pay as the tenancy is terminated

Rent Owing to Move Out Date	\$10,246.57
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$2,500.00
Less the amount of the interest on the last month's rent deposit	- \$164.99
Total amount owing to the Landlord	\$7,782.58