



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-083829-25

In the matter of: 1297 STEVENS ROAD
INNISFIL ON L9S0P5

Between: NEGDA TABRIZI Landlords
SAMMY CALICCHIA

And

VINCENT ROBERTS Tenants
TINA WILLIAMS

NEGDA TABRIZI and SAMMY CALICCHIA (the 'Landlords') applied for an order to terminate the tenancy and evict VINCENT ROBERTS and TINA WILLIAMS (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant;
- the Tenants have been persistently late in paying the Tenants' rent.

NEGDA TABRIZI and SAMMY CALICCHIA (the 'Landlords') also applied for an order requiring VINCENT ROBERTS and TINA WILLIAMS (the 'Tenant') to pay the Landlords' reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on January 26, 2026.

Only the Landlords attended the hearing.

As of 10:31 a.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 Landlords' evidence.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for the claim for compensation in the application. Therefore, the Landlords' application is granted as detailed below.

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 January 15, 2026.
4. The Landlords withdrew the persistent late payment of rent allegations (N8 Notice) in their application, as the Tenants had vacated the rental unit.

N5 Notice of Termination

5. On September 27, 2025, the Landlords gave the Tenants an N5 notice of termination. The notice of termination contains the allegation that the Tenants have not paid utility costs they were liable for under the terms of their residential lease agreement.
6. The Tenants did not correct the omission within seven days after receiving the N5 notice of termination; specifically, they did not pay the utility amounts owing during the voiding period of September 28, 2025 – October 4, 2025. Therefore, the Tenants did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
7. The Landlords entered into evidence a copy of the residential lease, signed by the Tenants, which identifies that the Tenants are responsible for the payment of water and sewerage charges.
8. The Landlords claimed \$945.52 for unpaid water/sewerage charges for the period November 19, 2024 to October 5, 2025 on their L2 application.
9. At the hearing, the Landlords sought to amend this amount owing to \$1,607.92 to reflect bills received since the filing of the application.
10. The Landlords submitted into evidence a copy of a Statement of Account from the Town of Innisfil reflecting charges equating to this claim of \$1,607.92.
11. The Landlords also submitted into evidence correspondence confirming that the Tenants had been made aware of this increased amount owing. As such, I accepted the Landlords' request to amend the application and do so to reflect an increased water utility amount owing of \$1,607.92.
12. The Tenants did not attend the hearing to provide evidence regarding these utility payments.
13. I find that the Tenants failed to pay water costs that they were required to pay under the terms of the tenancy agreement.
14. I find that the Landlords have incurred reasonable out-of-pocket expenses of \$1,607.92 as a result of the Tenants' failure to pay water costs for the period November 19, 2024 to January 15, 2026.
15. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of January 15, 2026.
2. The Tenants shall pay to the Landlords \$1,607.92, which represents the reasonable out-of-pocket expenses the Landlords have incurred or will incur as a result of the unpaid utility costs.
3. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlords the full amount owing on or before February 10, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 11, 2026 at 4.00% annually on the balance outstanding.

January 30, 2026
Date Issued

Curtis Smith
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.