



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-108665-25

In the matter of: TOP FLOOR, #3, 45 BARTONVILLE AVE W
YORK ON M6M2B4

Between: Leo Inacio Landlord
Nuno Inacio

And

Kevin Vieira Tenant
Erika Fiore

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order. When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant at the top of the order.

Leo Inacio and Nuno Inacio (the 'Landlord') applied for an order to terminate the tenancy and evict Kevin Vieira and Erika Fiore (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 March 4, 2026.

Only the Landlord's legal representative Marian Lipa and the second named Landlord attended the hearing.

As of 9:32 a.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 Tenants vacated the rental unit on December 30, 2025. Rent arrears are calculated up to the date the Tenants vacated the unit. And while the Landlord requested an order for arrears to January 31, 2025, as the noted at the time of the hearing the Landlords issued the N4 notice, and while the Tenants did not vacate by the termination date of December 26, 2025, they vacated pursuant to the Landlord's notice, no additional notice was required to be provided by the Tenants.
4. Additionally, the Tenants were also served an N8 notice, for which the termination date was February 28, 2026. Therefore, there is no consideration for arrears beyond the date that the Tenants vacated the rental unit.
5. The lawful rent is \$2,160.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to December 30, 2025 are \$4,290.30.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,000.00 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.
10. Interest on the rent deposit, in the amount of \$182.36 is owing to the Tenant for the period from October 31, 2021 to December 30, 2025.

L2 Application

11. As the Tenants moved out, the L2 application on the basis of the N8 notice for persistent late payment of rent is moot and as such was withdrawn at the time of the hearing.

It is ordered that:

L1 Application

1. The tenancy between the Landlord and the Tenant is terminated as of December 30, 2025, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$2,293.94. 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 March 22, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 23, 2026 at 4.00% annually on the balance outstanding.

L2 Application

4. The L2 application is withdrawn.

March 11, 2026

Date Issued

Alicia Johnson

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	\$4,290.30
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,000.00
Less the amount of the interest on the last month's rent deposit	- \$182.36
Total amount owing to the Landlord	\$2,293.94