



Order under Section 69 Residential Tenancies Act, 2006

Citation: Moscati v Cabral, 2026 ONLTB 21650

Date: 2026-03-13

File Number: LTB-L-108999-25

In the matter of: BASEMENT, 49 WILLOWRIDGE RD
ETOBICOKE ON M9R3Z2

Between: Riccardo Moscati
Ma Moscati
Landlords

And

Roberto Cabral
Tenant

Riccardo Moscati and Ma Moscati (the 'Landlords') applied for an order to terminate the tenancy and evict Roberto Cabral (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 9, 2026.

Only the first named Landlords and the Landlords' legal representative Taff Butters attended the hearing.

As of 10:20 am, 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. The Tenant did not join the hearing during the scheduled block and the LTB technical team did not advise of any related issues. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

1. The application is amended to remove the minor child Alphonso Cabral.
2. The Landlord said a copy of the Notice of Hearing was provided to the Tenant on January 9 2026.
3. The Landlord said that they understood the Tenant was planning on moving out but has been seen at the rental unit on multiple occasions. The Tenant has not returned the keys to the rental unit and continues to have access to the rental unit.

4. The Landlords 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.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,900.00. It is due on the 8th day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$62.47. This amount is calculated as follows: \$1,900.00 x 12, divided by 365 days.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to April 7, 2026 are \$15,200.00.
10. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlords collected a rent deposit of \$1,900.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
12. Interest on the rent deposit, in the amount of \$36.73 is owing to the Tenant for the period from April 8, 2025 to March 9, 2026.
13. The Landlord said that the Tenant has been non-responsive to the Landlords' text messages to discuss the arrears.
14. The Landlord said this is a new tenancy and one minor child resides in the rental unit. They have no further knowledge of the Tenant's circumstances or reason to delay or deny the Landlords' application.
15. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlords attempted to negotiate a repayment agreement with the Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
16. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$15,386.00 if the payment is made on or before March 24, 2026. See Schedule 1 for the calculation of the amount owing.

3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after March 24, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 24, 2026.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$11,674.21. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlords compensation of \$62.47 per day for the use of the unit starting March 10, 2026 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before March 24, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 25, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 24, 2026, then starting March 25, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after March 25, 2026.

March 13, 2026
Date Issued

Dana Wren
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 25, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 24, 2026

Rent Owing To April 7, 2026	\$15,200.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$15,386.00

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$13,424.94
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,900.00
Less the amount of the interest on the last month's rent deposit	- \$36.73
Total amount owing to the Landlords	\$11,674.21
Plus daily compensation owing for each day of occupation starting March 10, 2026	\$62.47 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	