



Order under Section 69 Residential Tenancies Act, 2006

Citation: Diaco v MacMillan, 2026 ONLTB 26957

Date: 2026-04-01

File Number: LTB-L-000586-26

In the matter of: 3, 419 Simcoe Street
London ON N6B1K1

Between: Rocco Diaco Landlord

And

Natasha MacMillan Tenant

Rocco Diaco (the 'Landlord') applied for an order to terminate the tenancy and evict Natasha MacMillan (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant; (N5 notice of termination)
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex; (N7 notice of termination)
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises. (N7 notice of termination)

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

Only the Landlord's Agent Rebecca Diaco attended the hearing.

As of 9:54 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's Agent advised that the Tenant vacated January 30, 2026, therefore the Landlord is seeking termination of the tenancy for that date..

2. Based on this uncontested submission of the Landlord's Agent, it is not necessary to hear testimony and/or evidence on the notices of termination; the tenancy is terminated on the date the Tenant vacated/gave the Landlord vacant possession.
3. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
4. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 30, 2026; the date the tenant vacated the rental unit/gave the Landlord vacant possession..
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The total amount the Tenant must pay the Landlord is \$186.00.
4. If the Tenant does not pay the Landlord the full amount owing on or before April 12, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 13, 2026, at 4.00% annually on the balance outstanding.

April 1, 2026
Date Issued

Diane Wade
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.

