



Order under Section 88.2 Residential Tenancies Act, 2006

Citation: LOPEZ v SPENCE, 2026 ONLTB 32149

Date: 2026-04-21

File Number: LTB-L-006234-26

In the matter of: 114 PEARL ST.
BRANTFORD ON N3T3P1

Between: JOSE LOPEZ Landlords
ANA PAZ

And

NATHAN DANIEL SPENCE Tenants
JULIANE LYNN SPENCE

JOSE LOPEZ and ANA PAZ (the 'Landlords') applied for an order requiring NATHAN DANIEL SPENCE and JULIANE LYNN SPENCE (the 'Tenants') 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 April 16, 2026. The Landlords' Agent, Jerome Anthony Nicholson, and the Tenants attended the hearing.

Determinations:

1. The Landlords' application claims \$2,520.00 for reasonable out-of-pocket costs incurred as a result of the Tenants' failure to pay the utilities. According to the application, the bill was for 'City of Brantford Utilities' for the period of May 1, 2023 to Dec 31, 2025 and the date of the bill was January 1, 2026.
2. At the hearing, it was the evidence of the Landlord's Agent that the Tenants are required to pay for gas, electricity and water according to the lease agreement and that the Tenants were supposed to set up their own accounts for the utilities. A copy of the lease agreement was tendered as evidence.
3. With respect to the outstanding bill set out in the application, the Landlord's Agent stated that the amount claimed in the application was not for one bill, but rather was the total calculated for several bills rendered from May 2023 to Dec 31, 2023 for unpaid gas and electricity charges. Copies of the bills were not filed with the Board or served as evidence on the Tenants.

4. The Landlord's Agent was asked how he intended to establish the amount owing as claimed in the application without any of the utility bills. He stated that the bills were not required as the Tenants agreed that they had not paid the bills and owe the amount sought.
5. The Tenants did not deny their obligation to pay the utilities as set out in the lease agreement but denied that they owed the Landlord \$2,520.00.
6. As the applicants, the Landlords have the burden of establishing that it is more likely than not that their version of events is true. As there was insufficient evidence to determine the total utility costs owing, the application was dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

April 21, 2026
Date Issued

Rachel Gibbons
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.