



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-013007-26

In the matter of: Bsmt-Sidedoor-Rm1, 12 Barnes Crescent
Scarborough ON M1G1Z9

Between: Valerie Jaggon Landlord

And

Mario Sbardella Tenant

Valerie Jaggon (the 'Landlord') applied for an order to terminate the tenancy and evict Mario Sbardella (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 12, 2026.

The Landlord Valerie Jaggon and the Tenant Mario Sbardella attended the hearing.

- The Tenant did not pay the rent that the Tenant owes (L1 Application)
- 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. (L2 application).

Determinations:

L2 Application

1. At the hearing, the landlord withdrew the L2 portion of the application

L1 Application

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 Tenant vacated the rental unit on April 8, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit

4. The lawful rent is \$1,400.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to April 8, 2026 are \$4,568.24.
7. The Landlord collected a rent deposit of \$1,400.00 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.
8. Interest on the rent deposit, in the amount of \$22.71 is owing to the Tenant for the period from July 1, 2025 to April 8, 2026.
9. At the hearing, the Tenant attempted to raise claims of harassment and substantial interference pursuant to section 82 of *Residential Tenancies Act, 2006* (the Act), which provides that on an application for arrears of rent, a tenant may raise any issue that could be the subject of an application made by the tenant under the Act.
10. The Tenant however failed to comply with the notice / disclosure requirements of section 82(2) of the Act and Rule 19.4 of the Board's *Rules of Procedure*, which requires that a tenant file with the Board and serve on the landlord a list of the issues to be raised, along with any supporting evidence at least seven days prior to the hearing.
11. The Board's records confirm that the Tenant only filed and served his section 82 evidence the day prior to the hearing. The Board's records also confirm that notice of hearing was served to the parties as early as March 11, 2026 and the Tenant further confirmed that he was aware of the hearing at least two weeks prior to the hearing date.
12. We therefore find that the Tenant had sufficient time with the Board's Rules on the disclosure of the section 82 evidence and did not provide a reasonable explanation for not doing so. As such, the matter proceeded to only hear the Landlord's claim for arrears of rent only.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 8, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$3,145.53. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit. 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 June 1, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 2, 2026 at 4.00% annually on the balance outstanding.

May 21, 2026
Date Issued

Darlene Cook
Member, Landlord and Tenant Board

Fabio Quattrociocchi
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	\$4,568.24
Less the amount of the last month's rent deposit	- \$1,400.00
Less the amount of the interest on the last month's rent deposit	- \$22.71
Total amount owing to the Landlord	\$3,145.53