



Order under Section 69 Residential Tenancies Act, 2006

Citation: Homestead Land Holdings Limited v Escalante, 2026 ONLTB 20643

Date: 2026-05-22

File Number: LTB-L-103104-25

In the matter of: 411, 160 ERSKINE AVE
TORONTO ON M4P1Z3

Between: Homestead Land Holdings Limited Landlord

And

Edain Escalante Tenant

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Edain Escalante (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 5, 2026.

The Landlord's legal representative, Ashleigh Searles, and the Tenant attended the hearing.

Determinations:

1. At the hearing, the Tenant sought to raise several issues under section 82 of the *Residential Tenancies Act, 2006* (the 'Act'). The Tenant acknowledged that they did not provide the Landlords or the Board with a written description of each issue they intended to raise under section 82 as required under section 82 of the Act and Rule 19.4 of the Board's Rules of Procedure. The Tenant also provided no compelling evidence that they were unable to comply with the disclosure requirements other than explaining that they were moving and did not have time to prepare. The Tenant received the notice of hearing over a month before this hearing. As a result, the Tenant was not permitted to raise any issues under section 82 of the Act. The Tenant may still have an opportunity to bring their own application against the Landlords to address the issues they sought to raise at this hearing under section 82, subject to applicable limitation periods.
2. 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.

3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on February 28, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit
5. The lawful rent is \$2,353.00. 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 February 28, 2026 are \$11,821.50.
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 \$2,333.66 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 \$20.27 is owing to the Tenant for the period from October 1, 2025 to February 28, 2026.
11. The Tenant did not dispute the Landlord's claims made in the application. Accordingly, an order will issue.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of February 28, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$9,653.57. 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 June 2, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 3, 2026 at 4.00% annually on the balance outstanding.

May 22, 2026
Date Issued

Colin Elsby
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	\$11,821.50
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,333.66
Less the amount of the interest on the last month's rent deposit	- \$20.27
Total amount owing to the Landlord	\$9,653.57