



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-000336-26

In the matter of: Second Floor, 76 Father Costello Dr.
Schumacher, ON P0N 1G0

Between: Carlito Froa Landlord

And

Serigne Guede Sene Tenant

Carlito Froa (the 'Landlord') applied for an order to terminate the tenancy and evict Serigne Guede Sene (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord and the Tenant attended the hearing.

Determinations:

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 Landlord claims rent arrears to March 31, 2026, as the Tenant did not provide a 60-days notice as required under the *Residential Tenancies Act, 2006* (the 'Act'). I disagree with the Landlord. The Tenant's liability to pay rent ends the day the Tenant vacates the rental unit after an N4 notice is served.
4. Section 37 of the Act states that a tenancy can only be terminated in accordance with the Act. According to section 37, a tenancy can be lawfully terminated by a **notice of termination** or an agreement to terminate. [Emphasis Added]
5. The Board's Interpretation Guideline 11 states:

In accordance with section 37(2) of the *Residential Tenancies Act, 2006* (the "RTA"), if the tenant moves out of the unit by the termination date on the Form N4, the tenancy is terminated on that date. The tenant's obligation to pay rent to the

landlord ends when a tenancy has terminated, and tenant has vacated the rental unit (s.134(1.1) of the RTA)

6. There is no dispute that the Tenant vacated the rental unit pursuant to the N4 notice on February 3, 2026. Accordingly, rent arrears are calculated up to the date the Tenant vacated the unit.
7. The parties agree that the lawful rent is \$998.00. It was due on the 1st day of each month.
8. The Tenant has paid \$998.00 to the Landlord since the application was filed.
9. The rent arrears owing to February 3, 2026, are \$1,998.43.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$950.00 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.
12. Interest on the rent deposit, in the amount of \$64.39 is owing to the Tenant for the period from April 1, 2023, to February 3, 2026.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of February 3, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$172.04. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit has been 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 14, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 15, 2026, at 4.00% annually on the balance outstanding.

June 3, 2026
Date Issued

Sheena Brar
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	\$1,998.43
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$998.00
Less the amount of the last month's rent deposit	- \$950.00
Less the amount of the interest on the last month's rent deposit	- \$64.39
Total amount owing to the Landlord	\$172.04