



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-010616-26

In the matter of: 114, 317 BROWARD WAY
INNISFIL ON L9S0M6

Between: Brian Sartorelli Landlord

And

Matilda Agalliu Tenant

Brian Sartorelli (the 'Landlord') applied for an order to terminate the tenancy and evict Matilda Agalliu (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2026.

Only the Landlord attended the hearing.

The Tenant was not present or represented at the hearing. 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. Under section 87(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') a landlord may apply to the Board for an order for the payment of arrears of rent by filing an L1: Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes where the tenant is in possession of the rental unit.
2. Under section 87(1.1)(b) of the Act a landlord may pursue a former tenant for arrears within one year of the date the tenant ceased to be in possession of the rental unit so long as the tenant vacated after September 1, 2021, which was the case here. Normally, a landlord must seek arrears from a former tenant by filing an L10: Application to Collect Money a Former Tenant Owes.
3. On an L10 Application the Landlord must give each former tenant the application and notice of hearing at least 30 days before the hearing and must file a certificate of service 20 days before the hearing. On an L1 Application it is the LTB who provides notice of the hearing and application to the tenant.
4. The Landlord filed this application on February 19, 2026. The Tenant vacated the rental unit on January 7, 2026. There was no evidence that the Landlord provided the Tenant

with advance notice of this hearing or a copy of the application. The Landlord had served the N4 after the Tenant vacated. As a result, I found it was unfair to proceed and treat the L1 Application as an L10 Application. Given my finding, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 1, 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	\$4,000.00
Total amount owing to the Landlord	\$4,000.00