



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-025776-26

In the matter of: 4, 7 BARTLETT ST
ST CATHARINES ON L2M5K5

Between: Joseph Falletta Landlords
Annette Falletta

And

Dustin Landry Tenants
Alissia Wells

Joseph Falletta and Annette Falletta (the 'Landlords') applied for an order to terminate the tenancy and evict Dustin Landry and Alissia Wells (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 2, 2026.

The Landlords' Legal Representative, Genny Serravalle, and the Tenant, Dustin Landry, attended the hearing.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,500.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$49.32. This amount is calculated as follows: \$1,500.00 x 12, divided by 365 days.
5. The Tenants have paid \$4,505.00 to the Landlords since the application was filed.
6. The rent arrears owing to June 30, 2026 are \$1,945.00. The Tenant did not dispute the amount of these rent arrears.

7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,500.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$93.47 is owing to the Tenants for the period from November 1, 2023 to June 2, 2026.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until June 28, 2026 pursuant to subsection 83(1)(b) of the Act.
11. The Tenant indicated that he would be able to pay the outstanding arrears in the near term, and the Landlords were agreeable to a short postponement of an eviction date to facilitate the Tenant potentially voiding this order.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$2,131.00 if the payment is made on or before June 28, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after June 28, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before June 28, 2026.**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlords owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlords are entitled to by \$863.83. See Schedule 1 for the calculation of the amount owing. However, the Landlords are authorized to deduct from the amount owing to the Tenants \$49.32 per day for compensation for the use of the unit starting June 3, 2026 until the date the Tenants move out of the unit.
6. The Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before June 28, 2026, then starting June 29, 2026, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

8. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after June 29, 2026.

June 17, 2026
Date Issued

Curtis Smith
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 29, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before June 28, 2026

Rent Owing To June 30, 2026	\$6,450.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$4,505.00
Total the Tenants must pay to continue the tenancy	\$2,131.00

B. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$5,048.64
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$4,505.00
Less the amount of the last month's rent deposit	- \$1,500.00
Less the amount of the interest on the last month's rent deposit	- \$93.47
Total amount owing to the Landlords	\$(863.83)
Plus daily compensation owing for each day of occupation starting June 3, 2026	\$49.32 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	