



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

File Number: LTB-L-030551-26

In the matter of: 035, 1717 LANSING AVE
SUDBURY ON P3A5C5

Between: BUTERA PROPERTY HOLDINGS INC. Landlord

And

GINETTE VOCATURO Tenant
FRANKIE VOCATURO

BUTERA PROPERTY HOLDINGS INC. (the 'Landlord') applied for an order requiring GINETTE VOCATURO and FRANKIE VOCATURO (the 'Tenants') to pay the rent that the Tenant owes.

This application was heard by videoconference on June 15, 2026 at 1:00 pm.

The Landlord Agent Lauren Mogridge and the Tenants attended the hearing.

Determinations:

1. The Tenants vacated the rental unit on April 30, 2026. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from April 1, 2026 to May 31, 2026.
3. The lawful rent is \$2,260.38. It is due on the 1st day of each month.
4. The Tenants have not made any payments since the application was filed.
5. It was the Tenants testimony that they gave notice and vacated owing to ongoing health issues and the availability of another, more suitable unit. It was also their submission that the last months rent should have been applied to April 2026 rent and therefore they should not owe up until May 31, 2026 as claimed.
6. The Tenants are no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent ends on May 31, 2026.
7. Specifically, it was agreed by the parties that the Tenants initially gave notice by email on March 4, 2026 which they formalized thereafter with an N9 notice. Section 88 (1),

subsection 1 of the Residential Tenancies states if the tenant vacated the rental unit after giving notice that was not in accordance with this Act, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in the notice, had the notice been given in accordance with section 47, 96 or 145, as the case may be.

8. Accordingly based on the above testimony the notice provided was not given 60 days prior to the termination given. Therefore the earliest the Tenant could have terminated the tenancy, in accordance with the Act, following the March 4, notice is May 31, 2026.
9. As to the Landlord's obligation to minimize losses pursuant to section 88(4), it was their testimony that they immediately took steps to advertise the unit but were unable to re rent the unit until after May 2026.
10. Based on the above I determined that the rent arrears and daily compensation owing to May 31, 2026 are \$4,520.43 less that owing the Tenant for the last months deposit and interest..
11. In response the Tenant proposed a payment plan of \$100.00 month commencing July 15, 2026 until the arrears were paid in full. The Landlord was opposed citing the length and potential prejudice.
12. Having considered the above submissions, particularly the tenants' personal circumstances, I am satisfied that the payment plan proposed is reasonable and will not overtly prejudice the Landlord.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2,396.63. This amount includes rent arrears owing up to May 31, 2026 and the cost of the application.
2. The Tenants shall pay the amount owing in paragraph 1 according to the following schedule:
 - a. Commencing July 15, 2026 and on or before the 15th day of each month until June 15, 2028 -\$100.00 ; and
 - b. On or before July 15, 2028 - \$96.63.
3. Should the Tenant fail to make any of the above payments the outstanding balance will immediately come due, and they shall incur interest. This will be simple interest calculated at 4.00% annually.

June 29, 2026
Date Issued

Kelly Delaney
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.