



Order under Section 88.2 Residential Tenancies Act, 2006

Citation: Atalla v Rodriguez, 2026 ONLTB 50092

Date: 2026-06-26

File Number: LTB-L-037660-26

In the matter of: 5351 Quartermain Crescent
MISSISSAUGA ON L5M5V5

Between: Iriny Atalla Landlords
George Kelada

And

Luis Rodriguez Tenants
Mike Rodriguez

The Landlords applied for an order requiring Luis Rodriguez and Mike Rodriguez (the 'Tenants') to pay the Landlords' reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on June 23, 2026.

Only the first named Landlord attended the hearing.

As of 10:07 am, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence. The Tenants did not join during the scheduled block and the LTB technical team did not advise of any related issues.

Determinations:

1. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Landlords' application filed on April 30, 2026 claims unpaid utilities under s.88.2 of the *Residential Tenancies Act, 2006* (the 'Act').
3. The Landlord testified the tenancy began October 15, 2025. At paragraph 6 of the lease agreement, the Tenants are responsible for a number of utilities including water charges. The Landlord said that the rental unit is a single family home and the Tenants have use of the main floor. As such, the Landlord pays back to the Tenants 1/3 of the total water

charges. In compliance with the lease, the Tenant set up an account with the Region of Peel for water service and billing.

4. At the hearing, the Landlord reviewed various correspondence from the Region of Peel, related to water service and billing for the rental unit (DOC7866936, DOC7866935, DOC8112639, DOC8112651, DOC8112637). The Landlord reviewed the invoice for the period October 15, 2025 to January 28, 2026.
5. The Landlord said that the first she became aware that the Tenants were not paying the water bills was when she received the past due notice on March 12, 2026 and the pre-tax letter on April 10, 2026. Before the utilities arrears were applied to the property tax bill, she made the required payment in the amount of \$1,129.36 as claimed in the application.
6. However, at the hearing, the Landlord re-calculated the amount owing by the Tenants to reflect the Landlords' responsibility for 1/3 of the total cost. The application is amended to reflect the amount of water charges as \$752.90.
7. The Landlord stated further that since they filed the L2 application the Tenants continue not paying the water utility bills from the Region of Peel over the period January 30, 2026 to April 2026. While she has not yet received the past due notice, when she called the Region of Peel to inquire, she was advised of the continued arrears and that a notice would be forthcoming.
8. As noted at the hearing, the L2 application does not include a provision for a landlord to claim future utility costs after the application has been filed. To claim additional utility costs incurred after filing, a landlord must request an amendment to the L2 application and put a tenant on notice of the additional amount claimed.
9. The Landlords have proven that the Tenants failed to pay the water costs that the Tenants were required to pay under the terms of the tenancy agreement. Therefore, I am satisfied that the Landlords have incurred \$752.90 in out-of-pocket expenses. The Landlords' request for compensation for the Tenants' failure to pay utility costs pursuant to s.88.2 of the Act is granted.
10. The Landlords are also entitled to the cost to file the application in the amount of \$186.00.
11. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenants shall pay to the Landlords \$752.90, which represents the reasonable out-of-pocket expenses the Landlords have incurred or will incur as a result of the unpaid utility costs.
2. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
3. The total amount the Tenants owe the Landlords is \$938.90.

4. If the Tenants do not pay the Landlords the full amount owing on or before July 7, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 8, 2026 at 4.00% annually on the balance outstanding.

June 26, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.