



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

File Number: TNL-30057-21

In the matter of: 125, 69 GODSTONE ROAD
NORTH YORK ON M2J3C8

Between: TT6 Inc.

and

Yanbin Cheng

I hereby certify this is a
true copy of an Order dated

June 28, 2021


Landlord and Tenant Board

Landlord

Tenant

TT6 Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Yanbin Cheng (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by way of a video conference hearing on June 7, 2021. The Landlord's Legal Representative, P. Bowers, attended the hearing on behalf of the Landlord. As of 2:53 p.m., the Tenant was not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 22, 2020.
2. The Tenant is in possession of the rental unit.
3. The Landlord incurred charges of \$30.00 for six cheques tendered by or on behalf of the Tenant, which were returned NSF, and \$120.00 for related administration charges.
4. The Landlord collected a rent deposit of \$2,000.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from February 27, 2020 to December 22, 2020.
5. The Landlord has attempted to contact the Tenant on eight occasions since the application was filed, through phone calls, letters, and in-person visits to the rental unit by the Landlord's representatives, in order to attempt to resolve this application by way of an agreement. However, no agreement has been reached between the parties.
6. The Tenant has made no payments to the Landlord after this application was filed.

7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord attempted to negotiate an agreement regarding the outstanding arrears, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears are considerable and growing, and the Tenant has made no payments to the Landlord after the application was filed. In light of these circumstances, it would not be reasonable to postpone the eviction any further.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 9, 2021.
2. The Tenant shall pay to the Landlord \$11,921.43*, which represents the amount of rent owing and compensation up to June 28, 2021 and the total charges related to six NSF cheques tendered to the Landlord by or on behalf of the Tenant, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$65.75 per day for compensation for the use of the unit starting June 29, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before July 9, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 10, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 9, 2021, then starting July 10, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after July 10, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$14,336.00 if the payment is made on or before June 30, 2021, or
 - ii) \$16,336.00 if the payment is made on or before July 9, 2021**.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after July 10, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only

entitled to make this motion once during the period of the tenancy agreement with the Landlord.

June 28, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 January 10, 2022 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.

- * Refer to section A on the attached Summary of Calculations.
- ** Refer to section B on the attached Summary of Calculations.

Schedule 1
SUMMARY OF CALCULATIONS

File Number: TNL-30057-21

A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	December 1, 2020 to December 22, 2020	\$1,446.58
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 23, 2020 to June 28, 2021	\$12,361.00
Less the rent deposit:		-\$2,000.00
Less the interest owing on the rent deposit:	February 27, 2020 to December 22, 2020	-\$36.15
NSF cheque charges:		\$30.00
Administration charges related to NSF cheque charges:		\$120.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$11,921.43
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting June 29, 2021:		\$65.75 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$12,107.43, + \$65.75 per day starting June 29, 2021

B. Amount the Tenant must pay to void the eviction order and continue the tenancy:

1. If the payment is made on or before June 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to June 30, 2021	\$14,000.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$30.00
Administration charges related to NSF cheque charges:		\$120.00
Total the Tenant must pay to continue the tenancy:	On or before June 30, 2021	\$14,336.00

2. If the payment is made after June 30, 2021 but on or before July 9, 2021:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to July 31, 2021	\$16,000.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$30.00
Administration charges related to NSF cheque charges:		\$120.00
Total the Tenant must pay to continue the tenancy:	On or before July 9, 2021	\$16,336.00

