



Order under Section 69 Residential Tenancies Act, 2006

Citation: Wang v Stevenson, 2024 ONLTB 2341

Date: 2024-01-25

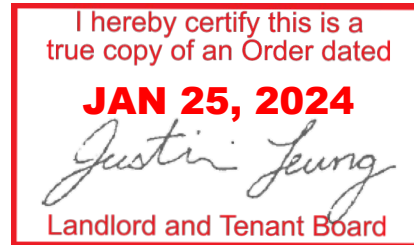
File Number: LTB-L-070318-23

In the matter of: 53 KNIGHTON DR
NORTH YORK ON M4A1V9

Between: Xiao Yan Wang and Li Sun

And

Jason Paul Stevenson and Silvia Mitchell



Landlords

Tenants

Xiao Yan Wang and Li Sun (the 'Landlords') applied for an order to terminate the tenancy and evict Jason Paul Stevenson and Silvia Mitchell (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlords also claimed charges related to non-sufficient funds (NSF) cheques.

This application was heard by videoconference on December 21, 2023.

Only the Landlords and the Landlord's Legal Representative, Jaclyn Solomon, attended the hearing.

As of 2:12 pm, 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 Landlord's evidence.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 \$4,000.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$131.51. This amount is calculated as follows: \$4,000.00 x 12, divided by 365 days.
5. The Tenants have paid \$1,700.00 to the Landlords since the application was filed.
6. The rent arrears owing to December 31, 2023 are \$19,350.00.

7. The Landlords are entitled to \$120.00 to reimburse the Landlords for administration charges the Landlords incurred as a result of 6 cheque given by or on behalf of the Tenants which was returned NSF.
8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlords collected a rent deposit of \$4,000.00 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.
10. Interest on the rent deposit, in the amount of \$60.27 is owing to the Tenants for the period from May 16, 2023 to December 21, 2023.
11. I have considered all of the disclosed circumstances in accordance with subsection 83 of the Residential Tenancies Act, 2006 (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenants, and find that the Landlords did attempt a repayment plan of the arrears of rent. In making this finding I considered the Landlord's Legal Representative's submissions that they have offered several repayment plans to the Tenants but didn't receive a response.
12. As the Tenants did not attend and no other circumstances were presented to me, I find it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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:**
 - \$23,656.00 if the payment is made on or before January 31, 2024. See Schedule 1 for the calculation of the amount owing.

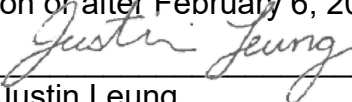
OR

 - \$27,656.00 if the payment is made on or before February 5, 2024. 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 Tenants have paid the full amount owing as ordered plus any additional rent that became due after February 5, 2024 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 February 5, 2024**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$14,357.44. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application and unpaid NSF charges. The rent deposit and interest the Landlords owe

on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.

6. The Tenants shall also pay the Landlords compensation of \$131.51 per day for the use of the unit starting December 22, 2023 until the date the Tenant moves out of the unit.
7. If the Tenants dos not pay the Landlords the full amount owing on or before February 5, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 6, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 5, 2024, then starting February 6, 2024, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 February 6, 2024.

January 25, 2024
Date Issued



Justin Leung
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 August 6, 2024 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 January 31, 2024

Rent Owing To January 31, 2024	\$25,050.00
Application Filing Fee	\$186.00
NSF Charges	\$120.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$1,700.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owe the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$23,656.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 5, 2024

Rent Owing To February 29, 2024	\$29,050.00
Application Filing Fee	\$186.00
NSF Charges	\$120.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$1,700.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owe the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$27,656.00

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

Rent Owing To Hearing Date	\$19,811.71
Application Filing Fee	\$186.00
NSF Charges	\$120.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$1,700.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$4,000.00
Less the amount of the interest on the last month's rent deposit	- \$60.27
Less the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00

Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlords	\$14,357.44
Plus daily compensation owing for each day of occupation starting December 22, 2023	\$131.51 (per day)