



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-09972-21

In the matter of: 22, 15 EATON PARK LANE
SCARBOROUGH ON M1W0A5

Between: Xiangdong Li

and

Xiao Li Qiao

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

May 27, 2022

Landlord and Tenant Board

Landlord

Tenant

Xiangdong Li (the 'Landlord') applied for an order to terminate the tenancy and evict Xiao Li Qiao (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard via videoconference on December 7, 2021 at 1:00 p.m.

The Landlord and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel prior to the hearing. The Tenant also had an interpreter, David Chung, to assist her.

Determinations:

1. This application is based on a N5 Notice of Termination which asserts that the Tenant has substantially interfered with the reasonable enjoyment of the residential complex and or interfered with the Landlord's lawful rights, privileges, and interests by not paying utility fees as required.
2. For the reasons listed below I am granting the application and terminating the tenancy.
3. The Tenant was served with N5 Notice on February 21, 2021 by sending the document by mail or Xpresspost to the address of the Tenant. A document is considered served on the fifth day after mailing, the date of service in this case is February 26, 2021. The Tenant did not contest the service of the Notice. The voiding period (the time that allows the Tenant to "cancel" the Notice of Termination (the "Notice") by paying the utility arrears claimed, in this case \$2,055.68, to correct the behaviour described in the Notice and by paying the Landlord the outstanding utility costs) is February 27 to March 4, 2021
4. At the hearing it was undisputed that the Tenant had not paid utilities as required by the tenancy agreement.

5. At the hearing the Tenant has submitted that she paid the Landlord \$1,200.00 on August 31, 2021, \$961.00 December 6, 2021 and an additional \$792.05 on December 6, 2021 for a total of \$2,953.05.
6. The Board finds that the Tenant by not paying the utilities as required has substantially interfered with the reasonable enjoyment of the residential complex and or interfered with the Landlord's lawful rights, privileges, and interests.
7. 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 30, 2022 pursuant to subsection 83(1)(b) of the Act. I am mindful that that has been several months between the hearing and the issuance of this order and am providing the Tenant with additional time to find alternative accommodation.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 30, 2022.
2. The Tenant shall also pay to the Landlord \$32.22 per day for compensation for the use of the unit from June 30, 2022 to the date the Tenant moves out of the unit.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before June 7, 2022, the Tenant will start to owe interest. This will be simple interest calculated from June 8, 2022 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before June 30, 2022, then starting July 1, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 1, 2022.

May 27, 2022
Date Issued

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5



Peter Pavlovic
Member, Landlord and Tenant Board

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 8, 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.