



**Order under Sections 87 and 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L029857-22

In the matter of: 306 Dawlish Avenue, Toronto ON M4N1J5

Between: Wen Hua Zhang Landlord

And

Ching Ching Wong, Wai-Ping Lee Former Tenants

Wen Hua Zhang (the 'Landlord') applied for an order requiring Ching Ching Wong and Wai-Ping Lee (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlord also applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former 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 March 9, 2023.

The Landlord and the Landlord's Legal Representative, Emrick Shi, attended the hearing.

As of 9:50 a.m., the Former Tenants was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the allegations contained in the application. Therefore, the Former Tenants must pay the Landlord **\$5,984.06** by April 2, 2023.
2. I am satisfied that the Landlord served the Former Tenants with the application and Notice of Hearing in accordance with subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the "Act") and Rules 3.3 and 5.8 of the LTB's Rules of Procedure. These documents were served on January 27, 2023, by mail

to the Former Tenants' current residence: 168 Roman Avenue, Toronto ON M4N2Y6.

3. The Former Tenants vacated the rental unit on November 2, 2021.
4. The application was filed within one year after the Former Tenants ceased to be in possession of the rental unit.

Rent and daily compensation owing

5. The lawful rent was \$3,868.40. It was due on the 20th day of each month.
6. Based on the monthly rent, the daily rent/compensation is \$127.18. This amount is calculated as follows: monthly rent x 12 months, divided by 365 days.
7. The Former Tenants have not made any payments since the application was filed.
8. The Landlord is not holding a last month's rent deposit.
9. The Former Tenants have not paid the rent that was due from September 20, 2021 until November 2, 2021. The rent arrears owing total \$5,648.92.
(*this includes rent for one month-September 20,2021 to October 19,2021 = \$3,868.40 + 14 days of rent owing from October 20,2021 to November 2,2021 = \$1,780.52)

Compensation for unpaid utility costs

10. The Landlord presented into evidence a copy of the Former Tenants' unpaid Toronto Waste and Water bill totalling \$134.14. The Former Tenants were required to pay the bill under the terms of the tenancy agreement.
11. The Landlord also incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Former Tenants shall pay to the Landlord **\$5,648.92**, which represents rent and compensation owing up to November 2, 2021.
2. The Former Tenants shall also pay to the Landlord **\$134.14**, which represents the reasonable out-of-pocket expenses the Landlord incurred as a result of the unpaid utility costs.

3. The Former Tenants shall also pay to the Landlord **\$201.00** for the cost of filing the application.
4. If the Former Tenants do not pay the Landlord the full amount owing on or before April 2, 2023, the Former Tenants will start to owe interest. This will be simple interest calculated from April 3, 2023, at 5% annually on the balance outstanding.

March 22, 2023

Date Issued

Michael Di Salle

Michael Di Salle

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.