



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

Citation: Zhang v Cuervo-Lorens, 2023 ONLTB 42872

Date: 2023-10-04 **File Number:** LTB-L-081875-22 (HOL-07041-20)

2023 ONLTB 42872 (CanLII)

In the matter of: 429 LADYCROFT TERRACE MISSISSAUGA
ON L5A0A7

Between: Xuan Zhang Landlord

And

Ralph Cuervo-Lorens Tenant

Xuan Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Ralph Cuervo-Lorens (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 19, 2021 and was adjourned at the Tenant's request. The hearing of the application resumed on October 12, 2022 and was heard together with the Tenant's T2 application (LTB-T-.073742-22/ CET-94007-20). The Tenant's application has different named parties and a separate order will issue.

The Landlord, and the Tenant attended the hearing. Barry Wang (BW), the Landlord's real estate agent, attended the hearing as the Landlord's representative.

Preliminary Issue:

Sale of the Rental Unit

1. At the October 12, 2022 hearing, the Tenant argued that the Landlord had not informed the successor Landlord of the hearing in compliance with an interim order. Prior to the hearing, the Landlord provided information clarifying that the Tenant vacated the rental unit on April 14, 2021, prior to the closing of the sale of the property on April 16, 2021. The Landlord argued that that the Purchaser moved into the unit after the sale closed, and as such, there was no "successor Landlord" to notify of the hearing.
2. Based on the evidence before me, I am satisfied that the tenancy terminated on April 14, 2021, prior to the closing of the sale of the property.

Determinations:

1. The Landlord served the Tenant 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

File Number: LTB-L-081875-22

arrears owing by the termination date in the N4 Notice or before the date the application was filed.

2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on April 14, 2021. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,350.60. It was due on the 15th day of each month.
5. The Tenant has paid \$9,360.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 14, 2021 are \$25,696.60.
7. The Landlord incurred costs of \$175.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,300.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$50.60 is owing to the Tenant for the period from July 15, 2019 to April 14, 2021.
10. At the hearing, the parties agreed that the total amount the Tenant owes the Landlord is \$23,521.00.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 14, 2021, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$23,521.00. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before October 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 16, 2023 at 6.00% annually on the balance outstanding.

October 4, 2023
Date Issued

Kathleen Wells
Member, Landlord and Tenant Board

15 Grosvenor St, 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.

File Number: LTB-L-081875-22

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

| | |
|--|--------------------|
| Rent Owing To Move Out Date | \$35,056.60 |
| Application Filing Fee | \$175.00 |
| Less the amount the Tenant paid to the Landlord since the application was filed | - \$9,360.00 |
| Less the amount of the last month's rent deposit | - \$2,300.00 |
| Less the amount of the interest on the last month's rent deposit | - \$50.60 |
| Total amount owing to the Landlord | \$23,521.00 |