



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

**Citation:** Kok Wai Lai v Symone McFarlane, 2023 ONLTB 46369

**Date:** 2023-06-30

**File Number:** LTB-L-034229-22

**In the matter of:** 404, 111 UPPER DUKE CRES MARKHAM  
ON L6G0C8

**Between:** Kok Wai Lai  
Landlord

**And**

Symone McFarlane Tenant

Kok Wai Lai (the 'Landlord') applied for an order to terminate the tenancy and evict Symone McFarlane (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

AND

Kok Wai Lai (the 'Landlord') applied for an order to terminate the tenancy and evict Symone McFarlane (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on June 15, 2023.

The Landlord and the Landlord's Representative Ryan Chen attended the hearing.

The Tenant was in attendance in the hearing room but was not appearing as signed in at the time of the matter was called, Tenant was only advised of outcome once the Landlord departed.

**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

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 August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,200.00. It was due on the 1st day of each month.

**File Number:** LTB-L-034229-22

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$6,600.00.
7. The Landlord is entitled to \$80.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 4 cheques given by or on behalf of the Tenant which were returned NSF.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,200.00 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.
10. Interest on the rent deposit, in the amount of \$27.34 is owing to the Tenant for the period from August 19, 2020 to August 31, 2022.

L2 Application/ (N8) Notice persistent late payment of rent

11. As the Tenant moved out, the Landlord withdrew their application at the time of the hearing.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$4,638.66. 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 and unpaid NSF charges. 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 July 11, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 12, 2023 at 6.00% annually on the balance outstanding.

**June 30, 2023**

**Date Issued**

Alicia Johnson  
 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-034229-22

2023 ONL TB 46369 (CanLII)

**Schedule 1  
 SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$6,600.00
Application Filing Fee	\$186.00
NSF Charges	\$80.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,200.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$27.34
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$4,638.66</b>

