



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Elizabeth Zhong v David Gibson, 2023 ONLTB 46564

Date: 2023-06-28

File Number: LTB-L-000107-23

In the matter of: MAIN, 36 CRISCOE ST YORK
ON M6N3Y9

Between: Elizabeth Zhong Landlords
Helen Zhong

And

David Gibson Tenant

Elizabeth Zhong and Helen Zhong (the 'Landlords') applied for an order to terminate the tenancy and evict David Gibson (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 5, 2022 with respect to application TSL-15255-20.

This application was directed to a hearing by endorsement dated March 14, 2023.

The application was heard by videoconference on April 5, 2023.

The Landlords attended the hearing and were represented by Agatha Small.

As of 12:04 p.m., the Tenant was 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 order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

2. The Tenant vacated the unit on February 25, 2023.
3. I find that the Tenant has not met the following conditions specified in the order:

The Tenant did not pay the lawful monthly rent on or before January 1, 2023

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The Tenant did not make an arrears payment of \$448.63 on or before January 1, 2023.

4. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
5. The Tenant was required to pay \$6,460.26 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$5,114.37 and that amount is included in this order. This order replaces order TSL-15255-20.
6. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from January 1, 2023 to February 28, 2023.
7. The Landlord collected a rent deposit of \$3,461.20 from the Tenant and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenant for the period from August 1, 2018 to February 25, 2023.
9. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.

It is ordered that:

1. Order TSL-15255-20 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated as of February 25, 2023, the date the Tenant moved out of the rental unit.
3. The Tenant shall pay to the Landlord \$4,874.27. This amount represents the rent owing up to February 25, 2023 the date the Tenant vacated the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before July 9, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from July 10, 2023 at 6.00% annually on the balance outstanding.

June 28, 2023
Date Issued

Emile Ramlochan
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.

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