



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Chang Whan (Mark) Chun v Kristian Forster, 2023 ONLTB 42175

Date: 2023-06-09

File Number: LTB-L-063710-22

In the matter of: Upper Unit-1961 Trafalgar Street
London, ON N5V 1A3

Between: Chang Whan (Mark) Chun Landlords
Sun Ae (Margaret) Chun

And

Kristian Forster Tenant

Chang Whan (Mark) Chun and Sun Ae (Margaret) Chun (the 'Landlords') applied for an order requiring Kristian Forster (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on May 8, 2023.

Only the Landlord and the Landlord's son Michael Chun attended the hearing.

As of 10:17 am, 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:

Preliminary Issue – compliance with s. 59(1)(b)

1. Section 59(1)(b) of the *Residential Tenancies Act, 2006* (the 'Act') outlines that a notice of termination provided under this section shall include a termination date effective not earlier than the 14th day after a notice is served.
2. Having reviewed the Landlords' documents, I noted that the notice had been served September 30, 2022 and indicated a termination date of October 1, 2022. As such, the Landlord's N4 notice is defective.
3. The Landlords requested that the application be amended to an application under s. 87(1) of the Act for arrears of rent only and that request was granted.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The Tenant did not pay the total rent they were required to pay for the period from May 1, 2022 to May 31, 2023.
6. The lawful rent is \$700.00. It is due on the 1st day of each month.



7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to May 31, 2023 are \$9,790.30
9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

10. The Tenant shall pay to the Landlords \$9,976.30. This amount includes rent arrears owing up to May 31, 2023 and the cost of the application.
11. If the Tenant does not pay the Landlords the full amount owing on or before June 20, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 21, 2023 at 6.00% annually on the balance outstanding.

June 9, 2023
Date Issued

Jagger Benham
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.