



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

**Citation:** Gao Yang v Paul Goodman, 2023 ONLTB 39113

**Date:** 2023-06-09

**File Number:** LTB-L-035903-22

**In the matter of:** 150 BASSETT BLVD  
WHITBY ON L1N8X5

**Between:** Gao Yang Landlord

**And**

Paul Goodman Tenant

Gao Yang (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Goodman (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 May 15, 2023.

Only the Landlord and the Landlord's son, Kevin Wang, attended the hearing.

As of 10:23AM, 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 Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant has been persistently late in paying the Tenant's rent. The Landlord served a notice of termination to the Tenant on June 24, 2022 with a termination date of August 31, 2022.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. At the hearing, the Landlord testified that the Tenant has failed to pay the monthly rent in full and on time each month from July 01, 2022 to May 01, 2023.
4. The Landlord's Schedule A was detailed and indicates when the Tenant had paid the rent late and the rent arrears owing from September 01, 2022 to May 15, 2023 is \$17,109.86.

5. The Landlord testified that he has spoken to the Tenant on several occasions regarding late payment of rent and submitted as evidence to the Board a copy of text message correspondence between the parties, which shows that the Landlord has been following up with the Tenant since August 05, 2020, regarding late and unpaid rent.

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6. Based on the Landlord's uncontested evidence, I am satisfied that the Tenant has persistently failed to pay the rent on the date it was due.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
8. The Landlord collected a rent deposit of \$2,000.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$195.34 is owing to the Tenant for the period from April 7, 2017 to May 15, 2023 .
9. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 20, 2023.
2. If the unit is not vacated on or before June 20, 2023, then starting June 21, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. The Tenant shall pay to the Landlord \$14,914.52, which represents compensation for the use of the unit from September 1, 2022 to May 15, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay the Landlord compensation of \$66.58 per day for the use of the unit starting May 16, 2023 until the date the Tenant moves out of the unit.
5. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 21, 2023.

**June 09, 2023**

**Date Issued**

Percy Laryea

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on December 10, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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