



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

Citation: Wu v Ozdemir, 2023 ONLTB 40687

Date: 2023-05-31

File Number: LTB-L-038137-22

In the matter of: 73 HOMEWOOD AVE
TORONTO ON M4Y2K1

Between: Shiro Wu and Chengqiang Ni Landlords

And

Batun Ozdemir and Guray Eroogan Tenants

Shiro Wu and Chengqiang Ni (the 'Landlords') applied for an order to terminate the tenancy and evict Batun Ozdemir and Guray Eroogan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 14, 2023.

Only one of the Landlords, Shiro Wu, attended the hearing.

As of 10:41 am, the Tenants were 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 Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. Based on the Landlords' submissions, the Tenants vacated the rental unit on November 3, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The monthly rent was \$2,000.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 3, 2022 are \$17,197.25.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords confirmed that there is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of November 3, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$17,383.25. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before June 11, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 12, 2023 at 6.00% annually on the balance outstanding.

May 31, 2023
Date Issued

15 Grosvenor St, Ground Floor
Toronto ON M7A 2G6

Alex Brkic
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date (Nov 3/2022)	\$17,197.25
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlords	\$17,383.25

2023 ONL TB 40687 (CanLII)