



Order under Section 69 Residential Tenancies Act, 2006

Citation: Haoxian He v Fadi Haddad, 2023 ONLTB 39034

Date: 2023-05-23

File Number: LTB-L-057184-22

In the matter of: Basement, 39 WADDINGTON CRES NORTH
YORK ON M2J2Z9

Between: Haoxian He Landlord

And

Fadi Haddad Tenant

Haoxian He (the 'Landlord') applied for an order to terminate the tenancy and evict Fadi Haddad (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 11, 2023.

Only the Landlord and Landlord's Legal Representative Y.Y. Li attended the hearing.

As of 9:27 a.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. At the start of the hearing the Landlord's Legal Representative acknowledged that the Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) given to the Tenant has a fatal flaw and requested an order for arrears of rent only and no termination. I granted the Landlord's request to amend the application because there is no prejudice to the Tenant to grant the request.
2. The Landlord also requested to amend the Tenant's last name from 'Hadda' to 'Haddad'. I agreed to the Landlord's requests to amend the application to name the Tenant correctly. The Tenant was served with the N4 on September 7, 2022 by leaving the notice in the mailbox so I do not find that the Tenant's name being spelt wrongly could affect the service of the N4 or the application. The Landlord also testified to serving the Tenant himself on May 2, 2023 with the Notice of Hearing and the application copy.
3. As of the hearing date, the Tenant was still in possession of the rental unit.

4. The lawful rent is \$1,000.00. It is due on the 1st day of each month.
5. The Tenant has paid \$2,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$14,000.00.

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7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$14,186.00. This amount includes rent arrears owing up to May 31, 2023 and the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before June 3, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 4, 2023 at 6.00% annually on the balance outstanding.

May 23, 2023
Date Issued

Sheena Brar
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.

