



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

**Citation:** Zhuo feng Ou v Cecil Simon, 2023 ONLTB 35465

**Date:** 2023-05-10

**File Number:** LTB-L-061536-22

**In the matter of:** BASEMENT ROOM A, 108 COPPARD AVE  
MARKHAM ON L3S2S6

**Between:** Zhuo feng Ou Landlord

**And**

Cecil Simon Tenant

Zhuo feng Ou (the 'Landlord') applied for an order to terminate the tenancy and evict Cecil Simon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 26, 2023.

Only the Landlord's Legal Representative Yun Tao Li attended the hearing.

As of 2:16 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 Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on February 20, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$530.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 20, 2023 are \$9,540.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

**It is ordered that:**

- 1. The tenancy between the Landlord and the Tenant is terminated as of February 20, 2023, the date the Tenant moved out of the rental unit
- 2. The Tenant shall pay to the Landlord **\$9,726.00**. This amount includes rent arrears owing up to the date the Tenant 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 Tenant does not pay the Landlord the full amount owing on or before May 21, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 22, 2023 at 6.00% annually on the balance outstanding.

**May 10, 2023**

**Date Issued**

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 Anthony Bruno  
 Member, Landlord and Tenant Board

15 Grosvenor St, 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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$9,540.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00

<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$9,726.00</b>