



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

**Citation:** Xun Xu v Julian Proia, 2023 ONLTB 33094

**Date:** 2023-04-26

**File Number:** LTB-L-057476-22

**In the matter of:** UNIT 3802, 20 LOMBARD ST  
TORONTO ON M5C0A7

**Between:** Xun Xu Landlord

**And**

Jordan-bob Metodiev Tenants  
Julian Proia

Xun Xu (the 'Landlord') applied for an order to terminate the tenancy and evict Jordan-bob Metodiev and Julian Proia (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 13, 2023.

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

As of 10:52 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. 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 27, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit. This date is when the Tenants advised the Landlord that they had vacated and left the keys in the rental unit. The Landlord submitted that they had not inspected the unit to confirm.
4. The lawful rent is \$5,790.00. It was due on the 15th day of each month.
5. The Tenant has paid \$23,160.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 27, 2023 are \$19,654.28.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$5,790.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of February 27, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$14,050.28. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

**April 26, 2023**  
**Date Issued**

\_\_\_\_\_  
Robert Patchett  
Vice Chair, 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.

\*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 Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$42,184.28
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	- \$23,160.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$5,790.00
<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>\$14,050.28</b>

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