



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

**Citation:** Min Hua v Kim phung Huynh, 2023 ONLTB 32496

**Date:** 2023-04-26

**File Number:** LTB-L-056226-22

**In the matter of:** 98 RATHBURN RD  
ETOBICOKE ON M9A1R7

**Between:** Min Hua Landlord

**And**

Joseph Yang and Kim phung Huynh Tenant

Min Hua (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Yang and Kim phung Huynh (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 12, 2023.

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

As of 2:11 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 October 2, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$3,500.00.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to October 2, 2022 are \$14,000.00.

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:**

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1. The tenancy between the Landlord and the Tenant is terminated as of October 2, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$14,186.00. 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 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**

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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	\$14,000.00
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 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	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$14,186.00</b>