



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

Citation: Chung Harriet Ho-Yin v Venise Lawrence, 2023 ONLTB 32510

Date: 2023-04-21

File Number: LTB-L-056900-22

In the matter of: Upper, 236 Sterling Rd Toronto
ON M6R2B9

Between: Chung Harriet Ho-Yin Landlord

And

Omega Bishop Tenants
Venise Lawrence

Chung Harriet Ho-Yin (the 'Landlord') applied for an order to terminate the tenancy and evict Omega Bishop and Venise Lawrence (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord's agent, Peter Zou, attended the hearing.

As of 1:43pm, 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 N4 Notice the Landlord gave the Tenants was defective on the basis that the Landlord only provided 13 days notice for the termination date.
2. The Landlord requested to amend their application for arrears of rent only at the hearing. I see no reason to deny the Landlords request.
3. The Tenants were in possession of the rental unit on the date the application was filed.
4. The Tenants vacated the rental unit on January 15, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$2,800.00. It was due on the 1st day of each month.
6. The Tenants have not made any payments since the application was filed.

7. The rent arrears owing to January 15, 2023 are \$17,830.75.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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9. The Landlord collected a rent deposit of \$2,800.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
10. Interest on the rent deposit, in the amount of \$65.82 is owing to the Tenants for the period from August 1, 2021 to January 15, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of January 15, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$15,150.93. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before May 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 3, 2023 at 6.00% annually on the balance outstanding.

April 21, 2023

Date Issued

Terri van Huisstede
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.

*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.

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Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$17,830.75
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord 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	- \$2,800.00
Less the amount of the interest on the last month's rent deposit	- \$65.82
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$15,150.93

2023 ONL TB 32510 (CanLII)