



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

Citation: Wang v Baker, 2023 ONLTB 31663

Date: 2023-04-19

File Number: LTB-L-053395-22

In the matter of: 77 WEXFORD AVE N
HAMILTON ON L8H4M3

Between: Guo zhu Wang Landlord

And

Shirley Baker Tenant

Guo zhu Wang (the 'Landlord') applied for an order to terminate the tenancy and evict Shirley Baker (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 30, 2023.

Only the Landlord attended the hearing.

As of 10:08 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 application is amended to remove Bonnie Convey as a Tenant. Bonnie Convey was a co-signor on the lease but did not live at the property.
2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Landlord testified that he found out on March 26, 2023 that the Tenant had abandoned the property. The Landlord contacted the Tenant on March 24, 2023 and they replied back that they had vacated the unit in January sometime. They never returned the key to the Landlord. He went to the property and found out that it was abandoned.

5. I find that the Tenant vacated the rental unit on March 26, 2023, the date the Landlord regained possession of the rental unit. Rent arrears are calculated up to the date the Tenants vacated the unit.
6. The lawful rent is \$2,700.00. It was due on the 1st day of each month.
7. The Tenant paid \$3,600.00 to the Landlord since the application was filed.

File Number: LTB-L-053395-22

8. The rent arrears owing to March 26, 2023 are \$14,808.02.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$2,700.00 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.
11. Interest on the rent deposit, in the amount of \$57.14 is owing to the Tenant for the period from May 5, 2022 to March 26, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of March 26, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$12,236.88. 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 Tenants. 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 April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.

April 19, 2023

Date Issued

Sheena Brar

Member, Landlord and Tenants 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.

File Number: LTB-L-053395-22

Order Page: 2 of 3

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$18,408.02
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,600.00
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	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$57.14
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$12,236.88