



Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Regent North Properties Inc v Zhao, 2023 ONLTB 30691

Date: 2023-04-12

File Number: LTB-L-059302-22

In the matter of: 711, 250 Ste Anne Road
Sudbury Ontario P3C5M8

Between: Regent North Properties Inc Landlord

And

Chongwen Zhao and Yufeng Li Tenants

Regent North Properties Inc (the 'Landlord') applied for an order requiring Chongwen Zhao and Yufeng Li (the 'Tenant') to pay the rent that the Tenants owe.

This application was heard by videoconference on March 28, 2023.

Only the Landlord's Legal Representative, Jennifer Ricci, attended the hearing.

As of 10:11 a.m., 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 Tenants vacated the rental unit on July 31, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from July 1, 2022 to July 31, 2023; the amount outstanding was \$1,719.00.
3. The lawful rent is \$1,739.00. It is due on the 1st day of each month.
4. The Tenants paid \$1,719.00 after the application was filed.

5. The Landlord's Legal Representative submitted that the last month rent deposit went to the month of August 2023 because the Tenants gave a N9 notice to terminate the tenancy for July 31, 2023, but it did not give the required minimum 60-day notice period. The Landlord did not accept the Tenants' N9 because of the short notice. The Landlord was unable to rent the unit out for August 2023.
6. The Tenant is no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a valid notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent ends on August 31, 2023, and the Landlord rightfully applied the last month rent deposit to the month of August
File Number: LTB-L-059302-22

2023. This is in accordance with section 88 of the Residential Tenancies Act, 2006 (the 'Act'), says:

If a tenant abandons or vacates a rental unit without giving notice of termination in accordance with this Act and no agreement to terminate has been made or the landlord has not given notice to terminate the tenancy, a determination of the amount of arrears of rent owing by the tenant shall be made in accordance with the following rules:

1. If the tenant vacated the rental unit after giving notice that was not in accordance with this Act, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in the notice, had the notice been given in accordance with section 47, 96 or 145, as the case may be.

2. If the tenant abandoned or vacated the rental unit without giving any notice, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in a notice of termination had the tenant, on the date that the landlord knew or ought to have known that the tenant had abandoned or vacated the rental unit, given notice of termination in accordance with section 47, 96 or 145, as the case may be.

[Emphasis added]

7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$201.00 for the application filing fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

April 12, 2023

Date Issued

Diane Wade

Member, Landlord and Tenant Board

15 Grosvenor Street, 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.