



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

Citation: Tsoi v Nobles, 2023 ONLTB 30029

Date: 2023-04-12

File Number: LTB-L-021915-22

In the matter of: 3706, 251 JARVIS ST
TORONTO ON M5B0C3

Between: Ah Man Alice Chow and Kwok Chung Tsoi Landlords

And

David Hogg and Roxanne Nobles Tenants

Ah Man Alice Chow and Kwok Chung Tsoi (the 'Landlords') applied for an order to terminate the tenancy and evict David Hogg and Roxanne Nobles (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlords also applied for an order to terminate the tenancy and evict the Tenants because the Tenants have paid the rent persistently late.

This application was heard by videoconference on March 7, 2023.

Only the Landlords' legal representative, C. PS Cheung, attended the hearing.

As of 10:00 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 moved out of the rental unit on June 14, 2023, therefore the Landlords' L2 application for eviction based on paying the rent persistently late is dismissed.
2. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
4. The Tenants vacated the rental unit on June 14, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$1,800.00. It was due on the 15th day of each month.

6. The Tenants have not made any payments since the application was filed.
7. The rent arrears owing to June 14, 2022 are \$7,950.00.

File Number: LTB-L-021915-22

8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

It is ordered that:

1. The Landlords' L2 application is dismissed.
2. The tenancy between the Landlords and the Tenants is terminated as of June 14, 2022, the date the Tenants moved out of the rental unit.
3. The Tenants shall pay to the Landlord \$8,136.00. 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. See Schedule 1 for the calculation of the amount owing.
4. If the Tenants do not pay the Landlords the full amount owing on or before April 23, 2023, the Tenants 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

Nancy Morris

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.

File Number: LTB-L-021915-22

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$7,950.00
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlords owe 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 Landlords	\$8,136.00