



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

Citation: Wang v Kowalchuk, 2023 ONLTB 29964

Date: 2023-04-12

File Number: LTB-L-047875-22

In the matter of: 34 MANN AVE
SIMCOE ON N3Y5J3

Between: Jian min Wang Landlord

And

Stephanie Kowalchuk Tenant

Jian min Wang (the 'Landlord') applied for an order to terminate the tenancy and evict Stephanie Kowalchuk (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 27, 2023. Only the Landlord's legal representative, Ciuwen Hu, attended the hearing. As of 10:18am, 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's N4 Notice of termination was defective on the basis that it did not correctly identify the correct rent amounts for the rental periods claimed.
2. The Landlord requested to amend their application to a claim for arrears of rent only on the basis that the arrears claimed reflected the correct amount outstanding, despite not having the correct rent amounts charged being listed.
3. On the basis that the rent arrears are reflective of the correct amount outstanding, I see no reason to deny the Landlords application for arrears of rent.
4. The Tenant was in possession of the rental unit on the date the application was filed.
5. The Tenant vacated the rental unit on March 25, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
6. The lawful rent is \$1,800.00. It was due on the 1st day of each month.
7. The Tenant has not made any payments since the application was filed.

8. The rent arrears owing to March 25, 2023 are \$43,200.00.
9. The amount of rent arrears exceeds the monetary jurisdiction of the Landlord and Tenant Board on the basis that the maximum amount the Landlord can claim cannot exceed \$35,000.00 for rent arrears.

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10. The Landlord agreed to waive the amount of arrears in excess of the Board's monetary jurisdiction to continue their claim with the Board. I see no reason to deny the Landlord's request.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
12. The Landlord collected a rent deposit of \$1,800.00 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of March 25, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$35,186.00. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 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

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$43,200.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,800.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of arrears that exceed the Board's monetary jurisdiction	- \$6,586.00
Total amount owing to the Landlord	\$35,186.00

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