



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

Citation: Yang v Ga, 2023 ONLTB 27022

Date: 2023-03-24

File Number: LTB-L-047300-22

In the matter of: 1107, 50 FOREST MANOR RD
NORTH YORK ON M2J0E3

Between: Linjin Yang Landlords
Tian Qiao Chen

And

Judith Martinez Ga Tenant

Linjin Yang and Tian Qiao Chen (the 'Landlords') applied for an order to terminate the tenancy and evict Judith Martinez Ga (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023.

Only the Landlords Linjin Yang and Tian Giao Chen attended the hearing.

As of 2:13 p.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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

1. At the hearing the Landlords relied on oral submissions and referred to documents to support their application.
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 Tenant vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent was \$1,800.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.

File Number: LTB-L-047300-22

7. The rent arrears owing to August 31, 2022 are \$7,100.00. This is the amount claimed on the application up to August 31, 2022, the day the Tenant vacated the rental unit. It is also the amount claimed on the N4 Notice of Termination to the end of August 2022. At the hearing, the Landlord was unsure if they had already deducted the rent deposit from the amount being sought. After my review of the rent charged and the documents filed, I am satisfied the rent arrears owing are \$7,100.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. 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. Interest in the amount of \$14.38 is owing on the rent deposit for the period August 1, 2021 until August 31, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$5,471.62. 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 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 5, 2023 at 5.00% annually on the balance outstanding.

Date Issued

March 24, 2023

John Cashmore

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-047300-22

**Schedule 1
SUMMARY OF CALCULATIONS**

2023 ONL TB 27022 (CanLII)

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

Rent Owing To Move Out Date	\$7,100.00
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	- \$14.38
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$5,471.62