



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

Citation: Yu v Cainap, 2023 ONLTB 26227

Date: 2023-03-17

File Number: LTB-L-041389-22

In the matter of: 98 Allure Street
Newmarket, ON L3X 0K8

Between: Haoshi Yu Landlord

And

Elvis Grace Cainap Tenants Rogelio Embodo Cainap

Haoshi Yu (the 'Landlord') applied for an order requiring Elvis Grace Cainap and Rogelio Embodo Cainap (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on February 27, 2023.

Only the Landlord attended the hearing.

As of 10:06 am, 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. At the outset of the hearing, I had advised the Landlord that he failed to serve a certificate of service on the Board to accompany his application. Further, I noted that the Landlord's N4 notice of termination provided a rental period from the 16th to the 16th.
2. As such, I determined that the Landlord's N4 notice of termination was defective and the Landlord submitted that he would like to proceed with this application under s. 87(1) of the *Residential Tenancies Act, 2006* (the 'Act') for arrears of rent only.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The Tenants did not pay the total rent they were required to pay for the period from August 16, 2022 to February 28, 2023.
5. The lawful rent is \$3,200.00. It is due on the 1st day of each month.

6. The Tenants have paid \$19,034.45 to the Landlord after the application was filed. 7. The rent arrears owing to March 15, 2023 are \$2,965.55

Order Page: 1 of 2

File Number: LTB-L-041389-22

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

9. The Tenants shall pay to the Landlord \$3,150.55. This amount includes rent arrears owing up to March 15, 2023 and the cost of the application.
10. If the Tenants do not pay the Landlord the full amount owing on or before March 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 29, 2023 at 5.00% annually on the balance outstanding.

March 17, 2023

Date Issued

Jagger Benham

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.

Order Page: 2 of 2