



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

**Citation:** Cao v Weifang, 2023 ONLTB 22387

**Date:** 2023-02-22

**File Number:** LTB-L-030595-22

**In the matter of:** 2ND FL., WEST SUITE, 299 LENNOX AVE  
RICHMOND HILL ON L4C2A4

**Between:** Fang Cao Landlord

**And**

Guo Weifang and Yicheng Zhao Tenants

Fang Cao (the 'Landlord') applied for an order to terminate the tenancy and evict Guo Weifang and Yicheng Zhao (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 19, 2023.

The Landlord was represented at the hearing by Rong Wei Yu. 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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.
2. At the hearing, the Landlord's representative submitted that he filed the application in the afternoon May 31, 2022. That same evening, the Landlord's representative attended the rental unit for an inspection where it was discovered the rental unit was vacated by the Tenants.
3. I accept the submissions of the Landlord's representative on this point. I find the Tenants were in possession of the rental unit on the date the application was filed. I further find, the Tenants vacated the rental unit on May 31, 2022.
4. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The rent arrears owing to May 31, 2022 are \$9,000.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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7. The Landlord collected a rent deposit of \$1,500.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
8. Interest on the rent deposit, in the amount of \$9.72 is owing to the Tenants for the period from November 16, 2020, to May 31, 2022.

**It is ordered that:**

1. The tenancy between is terminated as of May 31, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$7,676.28. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before March 5, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 6, 2023, at 5.00% annually on the balance outstanding.

**February 22, 2023**  
**Date Issued**

\_\_\_\_\_  
Bryan Delorenzi  
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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$9,000.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$9.72
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$7,676.28</b>