



**Order under Section 69 and 89
Residential Tenancies Act, 2006**

File Number: LTB-L-012823-22

In the matter of: Lower Unit, 15 OWEN PL
HAMILTON ON L8G2H3

Between: Guo Zhong Jia Landlord

And

Christopher Jacob Larn, Jessie Forrest and
Joshua Anthony Larn Tenants

Guo Zhong Jia (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Jacob Larn, Jessie Forrest and Joshua Anthony Larn (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenants' rent; (L2 Application).

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

The Landlord also claimed compensation for undue damage.

This application was heard by videoconference on January 11, 2023.

Only the Landlord attended the hearing.

As of 11:14 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 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The Tenants vacated the rental unit on May 5, 2022.

4. The Landlord submitted that as the Tenants have vacated, he is not pursuing the L2 application.
5. The lawful rent is \$1,650.00. It is due on the 1 day of each Month.
6. Based on the Monthly rent, the daily rent/compensation is \$54.25. This amount is calculated as follows: \$1,650.00 x 12, divided by 365 days.
14. The Landlord collected a rent deposit of \$1,650.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
15. Interest on the rent deposit is owing from March 1, 2022.
16. The Tenants have not made any payments since the application was filed.
9. The rent arrears owing to April 30 are \$4,950.00. The Landlord submitted that he is not pursuing the per-diem rent for the 7 days in May 2022.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The L2 application is withdrawn.
2. The Tenants shall pay the Landlord \$4,836,62*, which represents the amount of rent owing and compensation up to April 30, 2022, less the rent deposit and applicable interest.
3. If the Tenants do not pay the Landlord the full amount owing on or before January 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 29, 2023 at 5.00% annually on the balance outstanding.

January 17, 2023

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Diane Wade

Member, Landlord and Tenant Board

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 Tenant must pay [as] the tenancy is terminated

Rent Owing To April 30, 2022	\$4,950.00
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	- \$ 1,650.00
Less the amount of the interest on the last month's rent deposit	- \$ 19.80
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	\$4,836.62