



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

Citation: Huang v Singh, 2023 ONLTB 13508

Date: 2023-01-04

File Number: LTB-L-063596-22

In the matter of: 425 Murray Ross Pkwy
Toronto Ontario M3J3P1

Between: Helen Huang Landlord

And

Baani Singh Tenant

Helen Huang (the 'Landlord') applied for an order to terminate the tenancy and evict Baani Singh (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes; and, because the Tenant entered into an agreement to terminate the tenancy.

This application was heard by videoconference on November 21, 2022 at 9:32am.

The Landlord and the Tenant attended the hearing

At the hearing, the Landlord advised that the Tenant had moved out, and thus, the Landlord requested the consent of the Board to withdraw the Landlord's L3 application. The Landlord sought an order for arrears only for the L1 Application.

Determinations:

L3 Application

1. I consent to the withdrawal of the Landlord's L3 application.

L1 Application

1. The Landlord served the Tenant with a 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on May 6, 2022. Pursuant to the Landlord's request, rent arrears are calculated up to April 30, 2022. only.
4. The lawful rent is \$1,050.00. It was due on the 1st day of each month.
5. The Tenant has paid \$1,300.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2022 are \$3,050.00.

7. The Landlord collected a rent deposit of \$1,050.00 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.
8. Interest on the rent deposit, in the amount of \$8.53 is owing to the Tenant for the period from August 27, 2021 to April 30, 2022.

It is ordered that:

L3 Application

1. The Landlord's L3 application is withdrawn.

L1 Application

1. The tenancy between the Landlord and the Tenant is terminated as of May 6, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$1,991.47. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit. 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 January 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 16, 2023 at 4.00% annually on the balance outstanding.

January 4, 2023

Date Issued

Peter Nicholson

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To April 30, 2022	\$4,350.00
Application Filing Fee	\$0.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,300.00
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	- \$1,050.00
Less the amount of the interest on the last month's rent deposit	- \$8.53
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	\$1,991.47