



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

Citation: Zhang v Taggart, 2022 ONLTB 11947

Date: 2022-11-22

File Number: LTB-L-022853-22

In the matter of: 1520 IMPERIAL CRES
Windsor ON N9G2T8

Between: Hongpeng Zhang Landlord

And

Alexa Taggart Tenants
Kyle Reardon

Hongpeng Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Alexa Taggart, Kyle Reardon (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 9, 2022.

Only the Landlord's Legal Representative Tim Currie attended the hearing.

As of 10:21 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. Since the Tenants 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 Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.
2. Based on the uncontested evidence of the Landlord's Legal Representative I find the Tenants vacated the rental unit on September 15, 2022. The Tenants were in possession of the rental unit on the date the application was filed. Rent arrears are calculated up to the date the Tenants vacated the unit
3. The lawful rent is \$2,250.00. It was due on the 1st day of each month.
4. The Tenants have paid \$1,100.00 to the Landlord since the application was filed.
5. The rent arrears owing to September 15, 2022 are \$20,879.55.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

2022 ONLTB 11947 (CanLI)

7. The Landlord collected a rent deposit of \$2,250.00 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 \$39.02 is owing to the Tenants for the period from August 6, 2020 to September 15, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 15, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$18,776.53. 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 December 3, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 4, 2022 at 4.00% annually on the balance outstanding.

November 22, 2022
Date Issued

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$21,979.55
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$1,100.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,250.00
Less the amount of the interest on the last month's rent deposit	- \$39.02
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$18,776.53

2022 ONL TB 11947 (CanLII)