



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

**Citation:** Cheng v Pirri, 2022 ONLTB 12512

**Date:** 2022-11-18

**File Number:** LTB-L-006690-22

**In the matter of:** 31 WILLIAM RUSSELL LANE  
Richmond Hill ON L4C5S6

**Between:** Sin Fiona Cheng Landlord

**And**

Fausta Pirri, Paolino Pirri Tenants

2022 ONLTB 12512 (CanLII)

Sin Fiona Cheng (the 'Landlord') applied for an order to terminate the tenancy and evict Fausta Pirri and Paolino Pirri (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

The Landlord also filed a blank L2 application that did not indicate what the grounds for the application were. The L2 application was withdrawn by the Landlord at the hearing.

This application was heard by videoconference on November 3, 2022.

Only the Landlord's Representative Yun Toa Li attended the hearing.

As of 9:43a.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. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on July 13, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$3,450.00. It was due on the 15th day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to July 13, 2022 are \$22,339.18.

7. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$7.00 for bank fees the Landlord incurred as a result of 1 cheques given by or on behalf of the Tenant which were returned NSF.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$3,450.00 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.
10. Interest on the rent deposit, in the amount of \$22.01 is owing to the Tenant for the period from July 12, 2021 to July 13, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of July 13, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$19,080.17. 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 and unpaid NSF charges. 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 November 29, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 30, 2022 at 4.00% annually on the balance outstanding.

**November 18, 2022**

**Date Issued**

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Amanda Kovats

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	\$22,339.18
Application Filing Fee	\$186.00
NSF Charges	\$27.00
<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	- \$3,450.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$22.01
<b>Total amount owing to the Landlord</b>	<b>\$19,080.17</b>