



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

Citation: Wu v Papadopoulos, 2022 ONLTB 9340

Date: 2022-11-02

File Number: LTB-L-018677-22

In the matter of: 4121 Perivale Rd
Mississauga ON L5C3M7

Between: Yalei Dong, Ying Wu Landlord

And

Stavroula St Papadopoulos Tenant

Yalei Dong, Ying Wu (the 'Landlord') applied for an order to terminate the tenancy and evict Stavroula St Papadopoulos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 12, 2022.

The Landlord's Representative S.Kaoor and the Tenant attended the hearing

Determinations:

Adjournment Request

1. At the outset of the hearing the Tenant sought an adjournment because she wanted time to prepare a claim for tenant issues under section 82 of the *Residential Tenancies Act* (the 'Act'). The Tenant also wanted time to secure a legal representative. The Tenant testified that she called a legal representative the week before the hearing but was only able to get an appointment for after the hearing.
2. I am satisfied that the Tenant had sufficient time to prepare for the hearing. The Notice of Hearing was emailed to the Tenant on September 21, 2022 leaving the Tenant with 21 days to prepare for the hearing. Additionally, the Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) was served upon the Tenant on March 31, 2022. Since that date the Tenant has been on notice that an arrears application is likely pending with the Landlord and Tenant Board.
3. The right to a legal representative is not an absolute right. The Tenant had an opportunity to speak to Tenant Duty Counsel on the morning of the hearing and the Tenant did have sufficient time before the hearing to speak with a legal representative.
4. For those reasons, the adjournment request was denied.

The Application

5. The Landlord served the Tenant with a valid 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.
6. The Tenant was in possession of the rental unit on the date the application was filed.
7. The Tenant vacated the rental unit on August 3, 2022. Rent arrears will be calculated up to the July 31, 2022 as the Landlord indicated that they are not seeking 3 days of rent for August 2022.
8. The lawful rent is \$1,800.00. It was due on the 1st day of each month.
9. The Tenant has not made any payments since the application was filed.
10. The Tenant testified that she was contesting the amount of arrears but was not sure what rent payments she made. As the Tenant did not provide any concrete information about what rent payments she made since the application was filed, I am satisfied on a balance of probabilities that none were made.
11. The rent arrears owing to July 31, 2022 are \$10,260.00.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of August 3, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$10,446.00. This amount includes rent arrears owing up to July 31, 2022 and the cost of filing the application. 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 November 13, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 14, 2022 at 4.00% annually on the balance outstanding.

November 2, 2022
Date Issued

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 Tenant must pay as the tenancy is terminated

Rent Owing To July 31, 2022	\$10,260.00
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlord	\$10,446.00