



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

**Citation:** He v Pottie, 2022 ONLTB 10757

**Date:** 2022-11-01

**File Number:** LTB-L-019484-22

**In the matter of:** 2205, 25 Town Centre Crt  
Toronto ON M1P0B4

**Between:** Bo Ging He Landlord

**And**

Anita Grace Morningstar, Derek Pottie Tenants

Bo Ging He (the 'Landlord') applied for an order to terminate the tenancy and evict Anita Grace Morningstar and Derek Pottie (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 24, 2022.

Only the Landlord's Representative Han Hao attended the hearing.

As of 1:14p.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 Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) with an insufficient notice period. As the Tenants had vacated by the hearing date the Landlord sought to amend his application from an eviction application to an arrears only application. I consented to that request.
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 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$2,200.00. It was due on the 10th day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to July 31, 2022 are \$17,618.90.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of July 31, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$17,618.90. 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. 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 12, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 13, 2022 at 4.00% annually on the balance outstanding.

**November 1, 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	\$17,618.90
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<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	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$17,804.9</b>