



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

**Citation:** Zhang v Amin, 2022 ONLTB 9397

**Date:** 2022-10-20

**File Number:** LTB-L-004367-22

**In the matter of:** 1718, 35 Watergarden Dr  
Mississauga ON L5R0G8

**Between:** Guifa Zhang Landlord

**And**

August Ermias Amin, Danielle M Amin Tenants

Guifa Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict August Ermias Amin, Danielle M Amin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 2, 2022.

Only the Landlord attended the hearing.

The Tenant was 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 May 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$2,850.00. It was due on the first day of each month.
5. The Tenants have paid \$5,050.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2022 are \$11,600.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

2022 ONLTB 9397 (CanLII)

8. The Landlord collected a rent deposit of \$2,850.00 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.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of May 31, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$9,936.00. 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 October 31, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 1, 2022 at 4.00% annually on the balance outstanding.

**October 20, 2022**  
**Date Issued**

\_\_\_\_\_  
Natalie James  
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 Move Out Date	\$17,650.00
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	- \$5,050.00
<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	- \$2,850.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$9,936.00</b>