



March 1 2024

Landlord and Tenant Board

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

Citation: Yu v Emamian, 2024 ONLTB 13079

Date: 2024-03-01

File Number: LTB-L-068649-23

In the matter of: 19 VALLEY VISTA DR
MAPLE ON L6A0Z1

Between: Xinshui Yu Landlord
Yan Fan

And

Ahmad Emamian Tenant
Raheleh Oskourouchi

Xinshui Yu and Yan Fan (the 'Landlord') applied for an order to terminate the tenancy and evict Ahmad Emamian and Raheleh Oskourouchi (together the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 6, 2024.

Only the Landlord's Representative N. Korenberg attended the hearing.

As of 1:36 pm, 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 Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on December 27, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$3,500.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to December 27, 2023 are \$43,106.89.
7. The amount of rent arrears owing by the Tenant exceeds the monetary jurisdiction of the Board. Section 207(1) of the *Residential Tenancies Act, 2006* ("Act") limits the monetary

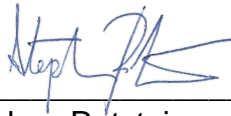
jurisdiction of the Board to that of the Small Claims Court. At this time that amount is \$35,000.00, and proceeding with an application with the Board extinguishes any rights the Landlord may have to pursue the full amount owing at the Superior Court. The Landlord was made aware of the Board's monetary jurisdiction and chose to proceed with this application.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. 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 December 27, 2023, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$35,186.00. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit, subject to the Board's monetary jurisdiction, 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 March 12, 2024, the Tenant will start to owe interest. This will be simple interest calculated from March 13, 2024 at 7.00% annually on the balance outstanding.

March 1, 2024
Date Issued



Stephen Rotstein
Vice Chair, 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	\$43,106.89
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
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord (Board's maximum monetary jurisdiction)	\$35,186.00