



**Order under Section 79
Residential Tenancies Act, 2006**

File Number: LTB-L-055177-25

In the matter of: Basement, 541 SAINT CLARENS AVE
TORONTO ON M6H3W6

Between: Oskar Wu
Shanrong Wang Landlord

And

Lucy Claire Virginie Dany Tenant

Oskar Wu and Shanrong Wang (the 'Landlord') applied for an order to terminate the tenancy and evict Lucy Claire Virginie Dany (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on December 9, 2025.

The Landlords and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the claim for compensation in the application. Therefore, the application is dismissed.

Evidence of the Landlord

2. The Landlord testified that the lease commenced on September 1, 2024, for a one-year term ending August 31, 2025. A last month's rent deposit was collected at the start of the tenancy.
3. The Landlord stated that they discovered the Tenant had vacated the rental unit on July 4, 2025. The Landlord then emailed the Tenant to confirm that the unit was empty. The Tenant responded that they would consult their legal representative regarding next steps and subsequently returned the keys to the Landlord on July 9, 2025.
4. On the same date, July 9, 2025, the Landlord listed the rental unit online and re-rented it on August 14, 2025.

5. The Landlord seeks an order for unpaid rent for July and August 2025, minus the application of last month's rent deposit.

Evidence of the Tenant

6. The Tenant testified that they informed the Landlord they wanted to terminate the tenancy in early May 2025. In response, the Landlord emailed the Tenant an N11 Notice with a termination date of July 31, 2025 on May 26, 2025. The email, which was entered into evidence, states:

"Hi Lucy,

Please see attached N11 form. Could you please complete your portion and sign back N11 form for me by 1 June, 2025? If you sign back N11 form after June 1, 2025, we may need to change the termination date to 30 Aug, 2025.

Your last month rent will be applied to July's rental. However, you still have to repay me \$2039 for the borrowing to buy furniture. You can move furniture to your new residence. New tenants will have their own furniture. I will start to post rental advertisement after receiving the N11 form from you."

7. The Tenant stated that she signed and returned the N11 form and vacated the rental unit by July 31, 2025. She further testified that a neighbor told her the Landlord occupied the unit from August 1 to August 13, 2025.
8. The Tenant's position is that she owes no further rent to the Landlord, as the last month's rent deposit should be applied to July 2025.

Analysis

9. The Landlord bears the burden of proving, on a balance of probabilities, entitlement to rent for July and August 2025. Based on the evidence before the Board, I find that the tenancy terminated on July 31, 2025.
10. The parties clearly contemplated ending the lease, as reflected in the Landlord's email to the Tenant dated May 26, 2025. In that email, the Landlord stated that upon receiving the signed N11 form, they would proceed to list the rental unit online. The Landlord confirmed at the hearing that the unit was listed on July 9, 2025, which strongly suggests that the signed N11 was received.
11. I also note that the Landlord re-rented the unit on August 14, 2025, and the Tenant testified that the Landlord occupied the unit from August 1 to August 13, 2025. These two pieces of testimony combined to further support that the tenancy ended on July 31, 2025, and that the Landlord regained possession immediately thereafter. In these circumstances, the Landlord is not entitled to claim rent for August 2025.
12. Accordingly, I find that the parties agreed to terminate the tenancy effective July 31, 2025. The Landlord shall apply the last month's rent deposit to July 2025.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 31, 2025.
2. The L2 application is dismissed.

January 8, 2026
Date Issued

Brett Lockwood
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.