



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-086798-25

In the matter of: 48 BELLBURY CRES
NORTH YORK ON M2J2J8

Between: Xinyuan Chen Landlord

And

James Borst Tenant

Xinyuan Chen (the 'Landlord') applied for an order to terminate the tenancy and evict James Borst (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 7, 2026.

The Landlord's Representative, Cynthia P.S. Cheung, and the Tenant resolved their matter directly and without mediation services and agreed to an Order on Consent in full and final satisfaction of the application, and in so doing, understand that their legal rights to a hearing on the merits of the matter have been waived.

I was satisfied that the terms of this agreement are consistent with the *Residential Tenancies Act, 2006* and that the parties have provided their informed, independent, and voluntary consent.

The parties before the LTB consented to the following order:

It is agreed that:

1. The Landlord served the Tenant with a 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$4,607.37. It is due on the 1st day of each month.
4. Based on the monthly rent, the daily rent/compensation is \$151.48. This amount is calculated as follows: \$4,607.37 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to January 31, 2026 are \$31,914.48.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$4,495.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$169.53 is owing to the Tenant for the period from June 1, 2024 to January 7, 2026.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated in a final way and without voiding provisions.
2. The Tenant must move out of the rental unit on or before January 31, 2026.
3. The Tenant shall pay to the Landlord \$23,888.94. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
4. The Tenant shall also pay the Landlord compensation of \$151.48 per day for the use of the unit starting January 8, 2026 until the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before January 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 1, 2026 at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 31, 2026, then starting February 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 1, 2026.

January 15, 2026
Date Issued

Janice Campbell
Hearings Officer, Landlord and Tenant Board

15 Grosvenor Street, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 1, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Hearing Date – January 7, 2026	\$28,367.47
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$4,495.00
Less the amount of the interest on the last month's rent deposit	- \$169.53
Total amount owing to the Landlord	\$23,888.94
Plus daily compensation owing for each day of occupation starting January 8, 2026	\$151.48 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	