



**Order under Section 79 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-057458-25

In the matter of: 53 PENELOPE DR
KITCHENER ON N2N3C5

Between: HUIXING ZHAO Landlords
YUHONG DING
CILI ZHANG

And

SAMANTHA HALL Tenants
CALVIN FLAVIN

HUIXING ZHAO, YUHONG DING and CILI ZHANG (the 'Landlords') applied for an order to terminate the tenancy and evict SAMANTHA HALL and CALVIN FLAVIN (the 'Tenants') because:

- the Landlords believes that the Tenants abandoned the unit.

The Landlords also applied for an order requiring the Tenants to pay the Landlords' reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on January 20, 2026.

Only the first named Landlord attended the hearing.

As of 10:15 a.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 Landlords' evidence.

Determinations:

1. This application asks that the Board determine that the Tenants abandoned the rental unit on June 9, 2025.
2. The Board's Interpretation Guideline 4 entitled Abandonment of a Rental Unit explains the concept of abandonment as follows:

Abandonment is a unilateral act by the tenant to relinquish their tenancy and **give up possession of the rental unit** without properly giving notice of the termination to the landlord. If the landlord is not sure whether or not a rental unit has been abandoned, they may file an application for determination of this issue with the Board; however, it should be noted the Board has no jurisdiction to issue an order for rent or compensation if a tenant is no longer in possession of the rental unit (see section 87). In this case, the landlord may seek a remedy by applying to Court.

Section 2(3) of the RTA provides that a rental unit is not considered abandoned where the tenant is not in arrears of rent. Even if there is evidence of abandonment, such as the furniture being removed, the landlord cannot treat the unit as abandoned before the end of the rental period if the rent is fully paid.

3. The Landlord testified that the Tenants never told him at any time they would be vacating the rental unit. The Landlords have not heard from the Tenants since early April 2025. The Tenants have not paid rent, nor their utility bills since April of 2025. This application was filed with the Board on July 17, 2025.
4. The Landlords have made efforts since April 2025 to contact the Tenants, by email and text message, and there has never been a response.
5. The Landlords provided the Tenants with a notice of entry for an inspection on July 9, 2025, and it was at that point that the Landlords realized the Tenants abandoned the rental unit. There was no furniture present, no beds, nor any personal items except some clothing. The Landlord says that the rental unit was left in terrible conditions, with garbage and food left everywhere.
6. The Landlords submit there was damage to the floors, ceiling, bathrooms, and that repairs need to be done. The Landlords have not re-rented the unit nor done any repairs as the Landlords are waiting for a Board order declaring the unit abandoned.
7. Based on the uncontested evidence before me, I find on a balance of probabilities the rental unit was abandoned on July 9, 2025.
8. The Landlords are requesting the application filing fee in the amount of \$186.00 and are entitled to those costs.
9. The Landlords are also claim the Tenants have not paid the utilities, however the application was filed while the Tenants were not in possession of the rental unit therefore the merits on those issues were not heard. The Landlord is entitled to file another type of application to address damage and utility costs owing.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants abandoned the rental unit on June 9, 2025.
2. The Tenants shall pay to the Landlords \$186.00 for the cost of filing the application.

3. If the Tenants do not pay the Landlords the full amount owing on or before February 2, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 3, 2026 at 4.00% annually on the balance outstanding.

January 22, 2026

Date Issued

Paula West Oreskovich

Member, 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.