



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

File Number: LTB-L-102931-25

In the matter of: 209 MILL ST
KITCHENER ON N2M3R3

Between: Chunchan Li Landlord

And

Nihal Thejus Hilal Babu Tenants
Sachin Kuttachan
Shibinsha Nazer Sushara

Chunchan Li (the 'Landlord') applied for an order requiring Nihal Thejus Hilal Babu, Sachin Kuttachan and Shibinsha Nazer Sushara (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on February 19, 2026.

Only the Landlord's Agent, Lily Xu, attended the hearing.

As of 1:37 p.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 Landlord's evidence.

Determinations:

1. The Tenants vacated the rental unit on December 12, 2025. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from September 1, 2025, to December 31, 2025.
3. The lawful rent is \$2,150.00. It is due on the 1st day of each month.
4. The Tenants have not made any payments since the application was filed.
5. The rent arrears and daily compensation owing to December 31, 2025, are \$6,500.00.
6. The Tenants are no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, I find that the Tenants' obligation to pay rent ends on December 31, 2025, for the following reasons.

7. Section 88 of the *Residential Tenancies Act, 2006* (the 'Act') states:

88(1) If a tenant abandons or vacates a rental unit without giving notice of termination in accordance with this Act and no agreement to terminate has been made or the landlord has not given notice to terminate the tenancy, a determination of the amount of arrears of rent owing by the tenant shall be made in accordance with the following rules:

1 If the tenant vacated the rental unit after giving notice that was not in accordance with this Act, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in the notice, had the notice been given in accordance with section 47, 96 or 145, as the case may be.

...

(4) In determining the amount of arrears of rent owing under subsections (1), (2) and (3), consideration shall be given to whether or not the landlord has taken reasonable steps to minimize losses in accordance with section 16.

8. The Tenants sent an email to the Landlord on December 3, 2025, to end their tenancy, for December 6, 2025. The Landlord did not accept the Tenants' request to vacate the rental unit on a short notice. The Tenants did not vacate the rental unit until December 12, 2025.
9. It is the Landlord's testimony that they have been able to re-rent the rental unit as of January 1, 2026, but claim unpaid rent until December 31, 2025.
10. The Tenants were required to give the Landlord a 60-days notice to end a monthly tenancy to a date which is on the last day of a rental period as per s.44(2). This date should have been February 28, 2026. The Landlord mitigated their losses and re-rented the rental unit for January 1, 2026. Therefore, I find the Tenants are liable to pay rent up to December 31, 2025, up to the last day of the rental period.
11. The Landlord collected a rent deposit of \$2,100.00 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 is terminated.
12. Interest on the rent deposit, in the amount of \$22.01 is owing to the Tenants for the period from August 1, 2025, to December 31, 2025.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$4,563.99. This amount includes rent arrears owing up to December 31, 2025, and the cost of the application minus the rent deposit and interest owing.

2. If the Tenants do not pay the Landlord the full amount owing on or before March 13, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 14, 2026, at 4.00% annually on the balance outstanding.

March 2, 2026
Date Issued

Sheena Brar
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.