



Order under Section 87 Residential Tenancies Act, 2006

Citation: K.H. Residence Inc v Baek, 2026 ONLTB 20236

Date: 2026-03-12

File Number: LTB-L-059527-25

In the matter of: 1011A, 111 Carlton St
Toronto ON M5B2G3

Between: K.H. Residence Inc Landlord

and

Minsoo Baek Former Tenant

K.H. Residence Inc (the 'Landlord') applied for an order requiring Minsoo Baek (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on March 4, 2026.

Only the Landlord's Legal Representative, Brittany Colley, and the Landlord's Agent, David Beveridge, attended the hearing.

As of 9:38am, the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. 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. As explained below, the Landlord did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure. These documents were served on October 31, 2025 by mail to the address where the Former Tenant resides.
3. In their application, the Landlord is claiming rent arrears for the period of March 1, 2025 to July 31, 2025. The Landlord's Agent, David Beveridge, testified that the Former Tenant vacated the rental unit without giving proper notice to the Landlord. At the hearing, the Landlord claimed that after applying the last month rent deposit against the arrears, rent for the month of August 2025 remained outstanding.
4. 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.
2. If the tenant abandoned or vacated the rental unit without giving any notice, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in a notice of termination had the tenant, on the date that the landlord knew or ought to have known that the tenant had abandoned or vacated the rental unit, given notice of termination in accordance with section 47, 96 or 145, as the case may be.
5. The issue in this case is the evidence is insufficient to determine whether the Former Tenant vacated the rental unit after giving improper notice or if the Former Tenant abandoned or vacated the rental unit without giving any notice because the Landlord simply did not know. DB initially testified that the Former Tenant gave notice on August 7, 2025 but later stated that she had already vacated at that time and that he actually did not know when she notified the Landlord that she would be vacating. He testified that he did not know when the Former Tenant actually vacated the rental unit or when the Landlord first became aware that she had vacated.
6. There is simply insufficient evidence before the Board to make a determination on what arrears of rent are owing, if any. Additionally, the Landlord led no evidence with respect to what steps they took to minimize their loss, as required pursuant to section 88(4) of the Act. The burden of proof rests on the Landlord to establish their allegations on a balance of probabilities and as the evidence with respect to when the Former Tenant vacated and under what circumstances remains unclear, the Landlord's claim for arrears must be dismissed on the basis that insufficient evidence was led to meet their burden of proof.
7. For the foregoing reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 12, 2026
Date Issued

Candace Aboussafy
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.