



Order under Section 79 Residential Tenancies Act, 2006

Citation: Zhang v Mcdonald, 2026 ONLTB 25610

Date: 2026-03-31

File Number: LTB-L-073714-25

In the matter of: #1119, 160 Flemington
Toronto ON M6A0A9

Between: Hua Zhang Landlord

And

Scott Alan Mcdonald Tenant

Hua Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Scott Alan Mcdonald (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on March 24, 2026.

Only the Landlord's legal representative Jiaqi Liu attended the hearing.

As of 10:29 am, the Tenant was 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. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Landlord's L2 application was filed on September 4, 2025 alleging that the Tenant abandoned the rental unit. This application asks the Board to issue an order terminating the tenancy on that basis.
4. By way of background, this tenancy began on or around June 5, 2024. The lawful monthly rent is \$2,800.00 and due on the 8th of each month.

5. The Landlord's representative said that the Tenant has not paid the Landlord rent since around July 5, 2025. The Landlord issued an N4 notice to the Tenant on August 6, 2025 with a termination date of August 20, 2025.
6. On August 24, 2025, the Landlord conducted a unit inspection and noted the unit was filled with debris, there was some furniture present and a bed was filled with debris.
7. The Landlord did not undertake to contact the Tenant's next of kin, friends, neighbours or place of employment to inquire about the status of the Tenant.
8. Around January 21, 2026, the Landlord conducted a second inspection and the condition of the rental unit remained the same. The Landlord believes the Tenant abandoned the rental unit.

Analysis

9. 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 ...

[Emphasis added.]

10. The problem with the Landlord's application is that the evidence before me establishes that a N4 notice of termination was given to the Tenant prior to the filing of this application which gave the Tenant the option to either pay off the arrears by the termination date and continue his tenancy or move out. While it is unclear what option the Tenant chose due to a lack of communication on the Tenant's part, it cannot be said that the Tenant unilaterally terminated his tenancy by abandoning the rental unit.
11. Subsection 37(2) of the Act states:

37(2) If a notice of termination is given in accordance with this Act and the tenant vacates the rental unit in accordance with the notice; the tenancy is terminated on the termination date set out in the notice.
12. Given all of the above, I am not satisfied that the Tenant has abandoned their tenancy.
13. As a result, the Landlord's application for termination of tenancy on the ground of abandonment is dismissed.
14. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is dismissed.

March 31, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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