



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

File Number: LTB-L-092580-25

In the matter of: 323, 68 ABELL ST
TORONTO ON M6J0B1

Between: Liang-Yen Wei Landlord

And

Fang-Ti Wu Tenant

Liang-Yen Wei (the 'Landlord') applied for an order to terminate the tenancy and evict Fang-Ti Wu (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on April 15, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
2. Notwithstanding all of the discussions that took place during the hearing on this date (April 15, 2026), with respect to this application, and upon further reflection, I have stepped back from the Order that I had proposed to issue and now, after a closer reading of the Act, I find that Tenant has not abandoned the unit.
3. Based on the evidence before the Board, I do not find that the Tenant abandoned the rental unit. I say this for the following reasons:
4. The evidence shows that the Tenant left the unit by November 2, 2025. On November 2, 2025, the Tenant filed their T2 application and indicated that they moved out on November 1, 2025. The Landlord filed the L2 application on November 3, 2025. By that date the Landlord had received the Tenant's application as noted in their testimony and arranged to

inspect the unit to confirm that the Tenant vacated. The Landlord therefore knew, or ought to have known, that the Tenant had given up possession.

5. Secondly, it was also not disputed that rent was paid up until October 31, 2025.
6. 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.

7. 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.
8. Given all of the above, I am not satisfied that the Tenant has abandoned their tenancy.
9. As a result, the Landlords' application for termination on the ground of abandonment must be dismissed

It is ordered that:

1. The L2 application is dismissed.

April 24, 2026
Date Issued

Vinuri Sivalingam
Member, Landlord and Tenant Board

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