



**Order under Section 69  
Residential Tenancies Act, 2006**

**File Number:** LTB-L-025527-26

**In the matter of:** UNIT 1509, 12 YORK ST.  
TORONTO ON M5J0A9

**Between:** Yu Chen Landlord

**And**

Justus Mwine Tenant

Yu Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Justus Mwine (the 'Tenant') because

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on June 2, 2026.

Only the Landlord's representative, Yun Tao Li, attended the hearing.

As of 1:49 p.m., 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:**

**L1 Application – Non-Payment of Rent**

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on May 30, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,270.00. It was due on the 15th day of each month.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to May 30, 2026 are \$10,274.08.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,270.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$57.73 is owing to the Tenant for the period from March 15, 2025, to May 30, 2026.

**L2 Application – Persistent Late Payment of Rent**

10. The Tenant vacated the rental unit on or around May 30, 2026. Therefore, the L2 application based on the N8 notice of termination is moot given that the remedy the Landlord is seeking is a termination of the tenancy and the Tenant already left. As a result, the L2 application is dismissed.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of May 30, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$8,132.35. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 22, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 23, 2026, at 4.00% annually on the balance outstanding.
4. The L2 application is dismissed.

**June 11, 2026**  
**Date Issued**

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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.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay as the tenancy is terminated**

|                                                                         |                   |
|-------------------------------------------------------------------------|-------------------|
| Rent Owing To Move Out Date                                             | \$10,274.08       |
| Application Filing Fee                                                  | \$186.00          |
| <b>Less</b> the amount of the last month's rent deposit                 | - \$2,270.00      |
| <b>Less</b> the amount of the interest on the last month's rent deposit | - \$57.73         |
| <b>Total amount owing to the Landlord</b>                               | <b>\$8,132.35</b> |