



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

Citation: Shi v Wohl, 2023 ONLTB 78070

Date: 2023-11-30

File Number: LTB-L-047618-22

In the matter of: #13, 601 COLUMBIA FOREST BLVD
WATERLOO ON N2V2K7

Between: Mengjie Shi

And

Zhanna Wohl

I hereby certify this is a
true copy of an Order dated

NOV 30, 2023

Landlord and Tenant Board

Landlord

Tenant

Mengjie Shi (the 'Landlord') applied for an order requiring Zhanna Wohl (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on November 21, 2023.

The Landlord's representative, Ling Xi, and the Tenant attended the hearing. Also present at the hearing were Tingting Liu (the 'Purchaser') and Vladimir Nagomy (the 'Tenant's Agent').

Determinations:

1. This application must be dismissed for lack of jurisdiction.
2. This application was filed with the Board on March 23, 2022. But the residential complex was sold by the named Landlord applicant to the Purchaser prior to that date, on March 10, 2022. What this means is that as of the date of filing the Landlord was no longer the landlord by virtue of being an owner of the property. The Landlord was also not an assignee of the Purchaser. No agreement assigning the arrears to the Landlord was ever entered into. In other words, the Landlord is not a landlord under the Act for the purpose of this application.
3. In addition, the tenancy did not end on or before March 10, 2022. Pursuant to Board order SWL-57980-22-SA issued on September 28, 2022, the tenancy was on-going after the sale and the Tenant was still in possession after March 10, 2022.
4. Pursuant to s. 18 of the *Residential Tenancies Act, 2006* (the 'Act') covenants run with the land. That means when the property was sold on March 10, 2022, all of the debts, obligations, assets and liabilities related to the property including those related to the tenancy passed to the Purchaser. The Purchaser stepped into the shoes of the Landlord. Absent an assignment agreement or an acknowledgement in the purchase and sale agreement that the pre-sale arrears are the Landlord's to pursue, it is the Purchaser who has the legal right to pursue any rent arrears outstanding.
5. Therefore, this application must be dismissed.

6. The Landlord's representative is also the legal representative of the Purchaser and asks that the application be amended instead of dismissed to replace the named applicant Landlord with the subsequent landlord, the Purchaser, so the application can proceed. That request is denied for the following reasons.
7. First, there is no need to amend this application as the Purchaser has already filed her own identical application which is contained in Board file LTB-L-007985-23 and is awaiting scheduling. Second, the Landlord failed to request amendment in writing in advance of the hearing of November 21, 2023, as contemplated by Rule 15 and the Tenant is not prepared to consent to the amendment. Finally, the application contained in Board file LTB-L-007985-23 was before the Board on April 12, 2023, and the Member assessed the time needed for hearing to be three hours which is far in excess of the hearing time allocated for this application at the hearing before me on November 21, 2023. Therefore, the request to amend the application to change the name of the Landlord to the Purchaser is denied.
8. Finally, and as I indicated I would at the hearing, I have made inquiry into the status of the hearing of the Purchaser's application contained in Board file LTB-L-007985-23, and can confirm that the adjournment sheet from April 12, 2023, is in the file and the application is awaiting assignment of a date for a three-hour hearing.
9. Please note that the Practice Direction on Evidence available on the Board's web site has changed recently due to the new Tribunals Ontario Portal (TOP) and now states:

All documents, photographs and other items provided to the other parties and the LTB as evidence must:


- a. be readable
- b. have consecutively numbered pages; and
- c. **include a list or table of contents identifying each item in order, and by page number, if more than one item is being submitted.**
[Emphasis added.]

10. 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.

November 30, 2023
Date Issued



Ruth Carey
Vice Chair, 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.