



## Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

**Citation:** Metcap Living Management Inc v Michael James Geroux, 2023 ONLTB 37069

**Date:** 2023-05-11 **File Number:**  
LTB-L-042448-22-RV

**In the matter of:** 104, 525 SAINT LAWRENCE AVE OSHAWA  
ON L1H7V8

**Between:** Metcap Living Management Inc Landlord

**And**

Jay Michael James Geroux Tenant Panou Hailie Elissa Anastasia

### Review Order

Metcap Living Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Jay Michael James Geroux and Panou Hailie Elissa Anastasia (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-042448-22 issued on March 9, 2023.

On April 6, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On April 11, 2023 interim order LTB-L-042448-22-RV-IN was issued requiring additional information which the Tenant provided on April 12, 2023.

On April 14, 2023 interim order LTB-L-042448-22-RV-IN2 was issued, staying the order issued on March 9, 2023.

This application was heard in by videoconference on May 4, 2023.

Only the Landlord's Representative, Moecz Nabi attended the hearing.

### Determinations:

1. The Tenants did not participate in the hearing held on February 28, 2023. In their review request they state that they didn't receive the Notice. The Board's record shows that the



Notice was mailed to each of the Tenants on February 15, 2023 and none of that mail was returned as undelivered.

2. The Tenants did not attend the review hearing to support their request, therefore, I find the request abandoned.

3. The Board's record shows that the Notice of the Review Hearing was mailed to each of the Tenants on April 20, 2023 to the same address as their rental unit and none of that mail has been returned by Canada Post as undelivered. out of
4. The interim order issued on April 11, 2023 informs the Tenants that if they do not attend it may be deemed as an abuse of process. The Landlord is not seeking costs. The Tenants once again did not attend the hearing. On a balance of probability, the Tenants abused the process as a means to either obtain additional time to pay the arrears to void the Order issued on March 9, 2023 or to delay eviction. I find it reasonable that the Tenants pay costs of \$100.00 to the Board, which is a nominal amount, for having wasted the Board's time and resources having scheduled and held a second hearing unnecessarily.

**It is ordered that:**

1. The request to review order LTB-L-042448-22 issued on March 9, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on April 14, 2023 is cancelled. The stay of order LTB-L-04244822 is lifted immediately.
3. In accordance with section 204(3) of the *Residential Tenancies Act, 2006 (the 'Act')*, the Tenant shall pay to the Board an administrative fine of \$100.00 on or before May 22, 2023.

**May 11, 2023**

**Date Issued**

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Sandra Macchione

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.

Payment of the fine must be made to the Board by the deadline set out above. The fine can be paid by certified cheque, bank draft or money order made payable to the *Minister of Finance*. If paying in person, the debt can also be paid by cash, credit card or debit card.