



Order under Section 69 and 74(2) Discontinuing the Application
Residential Tenancies Act, 2006

Citation: IMH Pool XV LP v Marco, 2023 ONLTB 30650

Date: April 11, 2023

File Number: LTB-L-020003-22

In the matter of: 706, 85 SILVER SPRINGS BLVD
SCARBOROUGH, ON M1V 1W3

Between: IMH Pool XV LP c/o Metcap Living Management Inc Landlord

and

Jan Michael Marco and Karen Marco Tenants

IMH Pool XV LP co Metcap Living Management Inc (the 'Landlord') applied in a L1 application for an order to terminate the tenancy and evict Jan Michael Marco and Karen Marco (the 'Tenants') because the Landlord claimed that the Tenants did not pay the rent that they owe. The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on October 25, 2022 but unfortunately an order was not issued. A de novo (new) hearing was heard by videoconference on March 31, 2023. the Landlord's legal representative Sophia Enriquez attended the hearing on behalf of the Landlord, and the Tenant Karen Marco attended on behalf of both Tenants. Ms. Marco was offered the opportunity to speak to tenant duty counsel before the hearing started.

1. The Landlord's legal representative advised that the Tenants paid everything outstanding on March 30, 2023, which brought their account up to date to the period ending March 31, 2023. The amount paid represents all the rent that was in arrears under the tenancy agreement, any additional rent that would have been due under the tenancy agreement on the date of the Tenants' payment, any claims charged for NSF cheques, and the filing fee for this application.
2. As payment was made in full, there is no reasonable cause of action to proceed on the Landlord's application for compensation and for arrears.
3. The Landlord's application for an order terminating the tenancy and evicting the Tenants based on arrears of rent is continued up to March 31, 2023.

April 11, 2023

_____ Date Issued

Michelle Tan

Member, Landlord and Tenant Board

15 Grosvenor St, 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.

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