



Order under Section 69 Residential Tenancies Act, 2006

Citation: Metcap Living Management Inc. v Ulghar, 2023 ONLTB 29373

Date: 2023-04-04

File Number: LTB-L-048493-22

In the matter of: 408, 45 GREENCREST CIRCT
SCARBOROUGH ON M1G1B9

Between: Metcap Living Management Inc. Landlord

And

Bilkish Bana Ulghar Tenant

Metcap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Bilkish Bana Ulghar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 27, 2023.

Only the Landlord's Legal Representative Sofia Enriquez attended the hearing.

As of 10:15 a.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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

At 11:10 a.m., the Tenant signed into the video conference hearing. Since the Landlord's Legal Representative had already disconnected from the virtual hearing I could not recall the file.

Determinations:

1. As of the hearing date, the Tenant is still in possession of the rental unit.
2. Since the filing of the application, the Tenant has paid all the arrears owing under the tenancy agreement up to March 31, 2022. Therefore, the Landlord's application for eviction is denied.
3. The Landlord incurred costs of \$186.00 for filing the application and is seeking reimbursement of the balance of those costs which stands at \$153.42. Rule 23.1 of the

Rules of Procedure permit the Board to award the cost of filing an application against the respondent. Although the Landlord's application was denied, it was required to obtain prompt payment of rent and arrears from the Tenant. For this reason, I am awarding the balance of costs with respect to the filing fee of \$186.00.

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It is ordered that:

1. The Tenant shall pay to the Landlord \$153.42. This amount represents the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 16, 2023 at 6.00% annually on the balance outstanding.

April 4, 2023

Date Issued

John Cashmore

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.

