



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** MetCap Living Management Inc. v Studzinski, 2022 ONLTB 13871

**Date:** 2022-12-12

**File Number:** LTB-L-016791-22

**In the matter of:** 105, 35 JANSUSIE RD  
toronto ON M9W4V4

**Between:** MetCap Living Management Inc. Landlord

**And**

Andrzej Studzinski Tenant

MetCap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrzej Studzinski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 29, 2022.

Only the Landlord's representative Emma Bennet attended the hearing.

As of 10 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. As a result, the hearing proceeded with only the Landlord's evidence.

### Determinations:

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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The Tenant has made payments since the application filed, and the arrears now owing are the cost of the application filing fee at \$186.00.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The only amount outstanding is the Landlord's cost of filing the application. As a result, the order will be limited to costs only and not eviction.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 30, 2023 at 5.00% annually on the balance outstanding.

**January 9, 2023**

**Date Issued**

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Maria Shaw

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.