



**Order under Section 78(11)
Residential Tenancies Act, 2006**

File Number: LTB-L-098367-25-SA

In the matter of: 711, 2757 KIPLING AVE
ETOBICOKE ON M9V4C4

Between: Metcap Living Management Inc. Landlord

And

Benedicta David Tenant

Metcap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Benedicta David (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 29, 2025 with respect to application LTB-L-065665-25.

The Landlord's application was resolved by order LTB-L-098367-25, issued on December 1, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-098367-25.

This motion was heard by videoconference on December 23, 2025.

Only the Tenant attended the hearing.

The Landlord 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 Tenant's evidence.

Determinations:

1. The Landlord filed an L4 application alleging that the Tenant failed to make an arrears payment of \$801.29 that was due on November 20, 2025.
2. The Tenant testified that on November 20, 2025, she attended the Landlord's office and paid \$600.00. She paid the remaining balance of \$201.29 on November 23, 2025. The Tenant explained that on November 20, 2025, an incident involving her daughter prevented her from paying the full arrears amount on that date.

3. The Tenant paid the December 2025 rent on time and in full as well as the December 20, 2025 arrears payment.
4. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-098367-25. The Tenant's evidence regarding the November 20, 2025 payment was clear and consistent. Furthermore, the Tenant has demonstrated an understanding of her obligations under the original payment terms and has made both the December 2025 rent payment and the December 20, 2025 arrears payment on time.
5. As the Landlord did not attend the hearing, there was no evidence of any prejudice they may suffer if the motion is granted.

It is ordered that:

1. The motion to set aside Order LTB-L-098367-25, issued on December 1, 2025, is granted.
2. Order LTB-L-098367-25, issued on December 1, 2025, is set aside and cannot be enforced.
3. The previous order issued on October 29, 2025 with respect to LTB-L-065665-25 is restored.

January 8, 2026
Date Issued

Brett Lockwood
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.