



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-082147-25

In the matter of: 6, 223 THE WEST MALL
ETOBICOKE ON M9C1C4

Between: MetCap Living Management Inc Landlord

And

Steve Maikel Pardo Valdes Tenants
Olimpia Guadalupe Canchola Rocha

MetCap Living Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Steve Maikel Pardo Valdes and Olimpia Guadalupe Canchola Rocha (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 5, 2026.

Only the Landlord's Representative, Christine Daniel, attended the hearing.

The Tenants were 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:

Tenant's participation

1. As of 10:24 a.m. neither Tenant was present nor represented.
2. However, the Tenant Steve Maikel Pardo Valdes ("SMPV") had signed in at approximately 9:25 a.m. but then disconnected from the videoconference at 9:51 a.m. and did not reconnect.
3. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

The Application

4. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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.

5. At the hearing the Landlord's Representative confirmed that the Tenants vacated the rental unit on October 1, 2025.
6. After the hearing and upon further review of the file, I confirmed that the application was filed on October 2, 2025.
7. An application based on section 69 of the *Residential Tenancies Act*, 2006 (the 'Act') can only be filed while the Tenants are in possession of the rental unit.
8. Since the application was filed the day after the Tenants vacated the rental unit, I do not have jurisdiction. Therefore, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 8, 2026

Date Issued

Nicole Pedron

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.