



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-080373-25

In the matter of: Basement, 86 LANARK AVE
YORK ON M6E2G4

Between: Antonia Pasquale Landlord

And

Costel Palade Tenant

Antonia Pasquale (the 'Landlord') applied for an order to terminate the tenancy and evict Costel Palade (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 22, 2025.

Only the Landlord and the Landlord's Support, Giovanna Pasquale, attended the hearing.

As of 2:21p.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:

Preliminary Issue: Tenant abandoned the rental unit

1. At the outset of the hearing the Landlord stated that the Tenant advised them in June 2025 that he was returning to Romania for 2 weeks for a dental procedure, however the Tenant has not returned to the unit since.
2. The Tenant disconnected their cell phone and the internet for the rental unit in September 2025, has not paid any rent since June 2025, and has had no further communication with the Landlord. The Tenant left an empty suitcase and approximately 3 garbage bags of clothing in the unit. The Tenant previously discussed moving back to Romania as his family lives there, however the Tenant did not advise in June 2025 that his intention was to permanently vacate the rental unit. The Landlord lives upstairs in the property and has not seen the Tenant enter the rental unit or come to the property in approximately 6 months. The Landlord testified that she attempted to contact the Tenant multiple times through his cell phone until it was disconnected in September 2025

3. The Board's Interpretation Guideline 4 titled Abandonment of a Rental Unit, explains that abandonment is a unilateral act by a tenant to relinquish their tenancy and give up possession of the rental unit without properly giving notice of the termination to the landlord. If the landlord is not sure whether or not a rental unit has been abandoned, they may file an application for determination of this issue with the Board; however, it should be noted the Board has no jurisdiction to issue an order for rent or compensation if a tenant is no longer in possession of the rental unit.
4. The Landlord testified that the N4 notice was never served personally on the Tenant, rather it was placed under the rental unit's door after she believed he had abandoned the unit.
5. I am satisfied that the Landlord has established that the Tenant has abandoned the unit. However, this is an L1 application not an L2 application, therefore I do not have the jurisdiction to make an order terminating the tenancy based on the abandonment of the rental unit. In addition, the Tenant was not served in accordance with an L10 application, therefore I cannot make an order for compensation only.
6. Although section 79 explains how the landlord may receive an order terminating the tenancy in cases where the tenant has abandoned the unit, it is not mandatory for this type of order to be issued for the landlord to treat the unit as abandoned. However, there is a substantial risk in re-renting the unit without such an order unless it is clear that the tenant has vacated and does not intend to continue the tenancy.

It is ordered that:

1. The Landlord's application is dismissed.

January 20, 2026
Date Issued

Allana McComb
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.