



**Order under Subsection 74(2)
Residential Tenancies Act, 2006**

File Number: LTB-L-088769-25

In the matter of: 411, 14 ENGELHART CRES
SCARBOROUGH ON M1L2S9

Between: MetCap Living Management Inc Landlord

And

Cota Health Tenant

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

This application was heard by videoconference on January 15, 2026.

Only the Landlord's Legal Representative, Moez Nabi, attended the hearing.

As of 9:20 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. At the hearing, the Landlord's Legal Representative confirmed that the named Tenant on the application and lease agreement is not a person, but a corporation, Cota Health ('CH').
2. CH is a not-for-profit organization providing services, including housing, for certain vulnerable groups of people. The Landlord's Legal Representative confirmed that CH placed a client in the rental unit for residential accommodation.
3. Subsection 2(1) of the *Residential Tenancies Act, 2006* (the 'Act') states:

"tenant" includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives, but "tenant" does not include a person who has the right to occupy a rental unit by virtue of being,

(a) a co-owner of the residential complex in which the rental unit is located, or

(b) a shareholder of a corporation that owns the residential complex;

4. Subsection 202(1) of the Act states:

(1) In making findings on an application, the Board shall ascertain the real substance of all transactions and activities relating to a residential complex or a rental unit and the good faith of the participants and in doing so,

(a) may disregard the outward form of a transaction or the separate corporate existence of participants; and

(b) may have regard to the pattern of activities relating to the residential complex or the rental unit.

5. From the Landlord's Legal Representative's submissions, CH is not, and never intended to be, a residential tenant occupying the rental unit, and is therefore not the type of person which the RTA was designed to protect. It is true that a corporation has been found to be a legal person, and a corporation may exercise a right to occupy a residential unit through an officer, director or agent: *York Region Condominium Corporation No. 639 v. Lee*, 2013 ONSC 503. However, that is not the case in this circumstance as the resident in the unit is a client of the organization and not an Agent. Therefore, I am not satisfied that CH can be deemed a "tenant" for purposes of the Act.

6. As CH is found not to be a tenant, the Act does not apply, and the Landlord's application must be dismissed.

It is ordered that:

1. The application is dismissed.

January 23, 2026
Date Issued

Fotoula Hatzantonis
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.