



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-048497-24

In the matter of: unit A, 25 MCCALLA DR
ST CATHARINES ON L2N1A1

Between: Jake Muttart Landlord

And

Jay O'Brien Tenant
Wendy Beckett

Jake Muttart (the 'Landlord') applied for an order to terminate the tenancy and evict Jay O'Brien and Wendy Beckett (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking.
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully caused undue damage to the premises.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage.

This application was heard by videoconference on January 24, 2025, having reconvened from a previous hearing on November 5, 2024. The member who presided at the hearing has resigned from the Board. As the Associate Chair of the Landlord and Tenant Board, I have determined that Member who heard the application is unable to issue a decision in this matter. The matter has therefore been reassigned on my own initiative under the authority of subsection 4.4(1) of the *Statutory Powers Procedure Act*. As the reassigned adjudicator, I have in accordance with the authority of subsection 4.4(6) of the *Statutory Powers Procedure Act* elected to make a decision on the basis of the existing evidentiary record.

The Board's records indicate that neither the Landlord nor the Tenant were present or represented at the hearing on January 24, 2025 although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. Since the Landlord did not attend the hearing to support their application, I find that this application has been abandoned.

It is ordered that:

1. The application is dismissed.

February 20, 2026
Date Issued

Ian Speers
Associate Chair, 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.