



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-074564-25

In the matter of: Unit 50, 2 HILL HEIGHTS RD
ETOBICOKE ON M8Y1Z1

Between: Anita Love Tenant

And

Metcap Living Landlord

Anita Love (the 'Tenant') applied for an order determining that Metcap Living (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on March 18, 2026.

Only the Landlord's Legal Representative Lavinia Volney attended the hearing.

As of 9:47 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.

Determinations:

1. The Landlord's Legal Representative, Ms. Volney, advised that the Tenant was allegedly unable to attend due to work obligations overseas and requested that she consider rescheduling the matter. However, this request was informal, unsupported by evidence, and not brought by or on behalf of the Tenant directly.
2. I find that the Tenant has failed to provide a sufficient or persuasive explanation for their non-attendance. In particular:
 - The Tenant did not file any written adjournment request in advance of the hearing as required by the Board's Rules of Procedure, nor did they provide supporting documentation to substantiate the alleged work conflict.
 - There is no evidence before the Board explaining why the Tenant could not participate by alternative means, including by telephone, which is routinely available for parties who are unable to attend by videoconference.

- The Tenant has not demonstrated that they made any reasonable efforts to arrange representation by an agent or legal representative to proceed on their behalf.
 - The explanation that the Tenant prioritized work obligations over a scheduled hearing before the Board, without more, does not constitute exceptional circumstances warranting an adjournment. Parties are expected to treat hearing proceedings with appropriate priority, particularly where they are the moving party seeking relief.
 - The adjournment request was conveyed through opposing representative Ms. Volney, who does not represent the Tenant and expressly did not consent to the adjournment.
 - Granting an adjournment in these circumstances would be inconsistent with the principles of procedural fairness and would prejudice the Landlord who attended the hearing and was prepared to proceed.
3. Since the Tenant did not attend the hearing to advance their application and no adjournment was granted, I find that this application has been abandoned.

It is ordered that:

1. The Tenant's application is dismissed.

March 24, 2026
Date Issued

Anthony Bruno
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.