



Order under Section 69 Residential Tenancies Act, 2006

Citation: MetCap Living Management Inc. v El-Miskry, 2026 ONLTB 25327

Date: 2026-03-30

File Number: LTB-L-108851-25

In the matter of: 304, 1307 WILSON AVE
NORTH YORK, ON M3M1J3

Between: MetCap Living Management Inc. Landlord

And

Raya El-Miskry Tenant

MetCap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Raya El-Miskry, Ali Ali and Salma Hilal (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord's Representative, Stella Idahosa and the Tenant, Raya El-Miskry, attended the hearing. Two individuals named as respondents to the Landlord's application – Ali Ali and Salma Hilal – also attended the hearing.

Determinations:

1. The Landlord's application listed two other individuals – Ali Ali and Salma Hilal – as tenants and respondents to the Landlord's application. At the hearing, a copy of the lease agreement was presented which confirmed that only one individual – Raya El-Miskry – is listed as a Tenant on the rental agreement. As such, the application was amended at the hearing on the consent of the parties present to remove Ali Ali and Salma Hilal as respondents to the Landlord's application.
2. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) on November 28, 2025, by mail, with a deemed service date of December 3, 2025.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on January 31, 2026.
5. The information presented in a ledger provided by the Landlord's legal representative to clarify the arrears owed by the Tenant are plainly inconsistent with the information provided in the Landlord's application.

6. For example, the Landlord's application states that, for the period from September 1, 2025 to December 31, 2025:
 - \$9,856.03 in rent was charged to the Tenant; and,
 - \$4,557.82 in rent was paid by the Tenant; and, therefore,
 - \$5,298.21 in arrears were owing up to December 31, 2025.
7. The Landlord's ledger tells a different story. For the period from September 1, 2025, to December 31, 2025, the following charges and payments relating to rent are recorded in the ledger provided by the Landlord:
 - \$9,856.03 in monthly rent payments was charged to the Tenant; and,
 - \$4,550.00 in rent was paid by the Tenant; and,
 - \$1,227.90 in additional rent was charged to the Tenant on September 19, 2025, representing an above-guideline increase for the period of July 1, 2023 to September 30, 2025; and, therefore,
 - \$6526.11 in arrears were owing up to December 31, 2025.
8. No request to amend the application was made by the Landlord's legal representative at the hearing.
9. No Board order with respect to the above guideline increase charged in the Tenant's ledger was presented at the hearing.
10. No explanation was offered at the hearing for the \$7.82 discrepancy between the rent payments described on the application and those indicated on the Landlord's ledger for the same period.
11. Given the above inconsistencies, I am not satisfied that the Landlord has shown, on a balance of probabilities, what amount of arrears is owed by the Tenant. The Landlord's application and evidence clearly contradict one another, and no adequate explanation was provided by the Landlord's representative at the hearing.
12. Therefore, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 30, 2026
Date Issued

Jeremy Henderson
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.