



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-011141-25

In the matter of: 1, 131 SCARLETT RD
YORK ON M6N4K6

Between: Anthony Kumane Named Tenant

And

Maria Santos Landlord

Anthony Kumane (the 'Named Tenant') applied for an order determining that Maria Santos (the 'Landlord'):

- harassed, obstructed, coerced, threatened or interfered with the Tenant.

An Adjudicative Case Conference was held by videoconference on March 31, 2026.

Only the Landlord and the Landlord's legal representative, Fernando Teixeira, attended the hearing.

As of 9:45am, the 'Named 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. Since the Named Tenant did not attend the hearing to support their application, I find that this application has been abandoned.
2. The Landlord's legal representative submitted that, in file LTB-L-008375-25 and a subsequent review proceeding, the Named Tenant was found to be an unauthorized occupant.
3. In light of that determination, the Named Tenant was not entitled to file this application.
4. In these circumstances, even if the application had not been abandoned, proceeding to a merits hearing would not alter the result. It would only prolong the proceeding and require the parties and the Board to expend further time and resources, contrary to the direction in section 183 of the Act that proceedings be resolved in the most expeditious manner consistent with fairness.

5. Section 197 of the Act provides that the Board may dismiss an application without holding a hearing if, in the opinion of the Board, the matter is frivolous or vexatious, was not commenced in good faith, or discloses no reasonable cause of action. In my view, an application filed by an unauthorized occupant discloses no reasonable cause of action. Even if all of the Named Tenant's allegations were accepted as true, the application would still fall outside the Board's jurisdiction.
6. For these reasons, I am satisfied that dismissing the application at the adjudicative case conference stage is consistent with sections 183 and 197 of the Act and does not result in procedural unfairness. The application is therefore dismissed on this basis, in addition to the dismissal for abandonment

It is ordered that:

1. The application is dismissed.

April 7, 2026
Date Issued

Colin Elsby
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.