



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

File Number: LTB-L-078513-25-RV

In the matter of: 404, 1554 TROSSACKS AVE
LONDON ON N5X2P4

Between: METCAP LIVING MANAGEMNT INC. Landlord

And

Samantha Gubbels Tenant

Review Order

METCAP LIVING MANAGEMNT INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Samantha Gubbels (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was resolved by order LTB-L-078513-25 issued on January 6, 2026.

On February 19, 2026 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 20, 2026 interim order LTB-L-078513-25-RV-IN was issued, staying the order issued on January 6, 2026.

The review request was heard by videoconference on March 26, 2026.

The Landlord's legal representative, Sophia Enriques, and the Tenant's agent, Skyler Michele, attended the hearing.

Determinations:

1. At the outset of the hearing, the Landlord expressed concerns with allowing the Tenant's agent, 'SM', to represent the Tenant. The Landlord was unfamiliar with SM and neither the Landlord nor the Board could confirm that the Tenant authorized SM to appear on her behalf.

2. After I stood this matter down, SM provided the Board with an email from the Tenant confirming that she authorized SM to act on her behalf at the hearing. I then proceeded to hear the merits of the Tenant's review request.
3. SM says that the Tenant was not reasonably able to participate in the hearing that took place on December 10, 2025, because she had to work and was unable to get time off from work to attend the hearing.
4. As I pointed out at the hearing, the first problem with SM's testimony on this point is that it is hearsay evidence and must be given little weight. SM confirmed at the review hearing that he was unable to call the Tenant to testify and he had virtually no other information about what happened on December 10th or any efforts the Tenant may have made to attend the hearing. In short, in the absence of any first-hand information from the Tenant, I must give SM's testimony little weight regarding the Tenant's alleged inability to attend the hearing on December 10th.
5. The second problem with SM's testimony on this point is that it directly contradicts the Tenant's own written review request. In her review request, the Tenant says that she failed to attend the hearing because she "was not aware of the hearing or the resulting order until after the deadline had passed".¹
6. The Tenant's review request says nothing about her not being able to get time off work to attend the December 10th hearing. In fact, the Tenant says that she was completely unaware that the hearing was scheduled until well after the order was issued.
7. At the review hearing, I pointed out this direct contradiction between SM's testimony and the Tenant's own written submissions. SM had no response and no explanation.
8. As SM's testimony is considered hearsay and is contradicted by the Tenant's own review request, I am not satisfied on the balance of probabilities that the Tenant was not reasonably able to participate in the hearing that took place on December 10, 2025. This means that the Tenant's request for review must be denied.
9. As the Landlord says the Tenant has already moved out of the rental unit, I see no reason to delay lifting the stay of the eviction order. The stay will therefore be lifted immediately.

It is ordered that:

1. The request to review order LTB-L-078513-25 issued on January 6, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 20, 2026, is cancelled. The stay of order LTB-L-078513-25 is lifted immediately.

April 9, 2026
Date Issued

Laura Hartslief
Member, Landlord and Tenant Board

¹ See the Tenant's Request for Review; DOC-7402862

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.