



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-098115-25

In the matter of: 802-3434 Eglinton Ave. E.
Scarborough, ON M1J2J1

Between: MetCap Living Management Inc. Landlord

And

Irene Goda Tenant

MetCap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Irene Goda (the 'Tenant') because the Tenant did not pay the rent owed.

This application was heard by videoconference on April 13, 2026.

The Landlord's Representative, Adriana Shaw, and the Tenant attended the hearing.

The Tenant met with Tenant Duty Counsel prior to the commencement of the hearing. .

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The matter was previously adjourned on January 26, 2026, on consent, to permit the Landlord additional time to investigate the Tenant's concerns regarding parking charges.
3. At the hearing on April 13, 2026, the Landlord's Representative submitted that she had received no instructions with respect to the matter. She was unable to respond to the Tenant's concerns regarding parking charges or to answer the Board's questions concerning the calculation of rent arrears. The hearing was stood down for 30 minutes to allow the Representative an opportunity to contact her client and obtain instructions. Upon reconvening, the Representative advised that she had been unable to reach the Landlord and requested an adjournment on the basis that she lacked instructions on how to proceed.

4. Section 183 of the Residential Tenancies Act, 2006 (the “Act”) requires the Board to adopt the most expeditious method of determining the issues in a proceeding while ensuring that the parties are afforded an adequate opportunity to be heard. The Board’s Interpretation Guideline 1 further provides that, in applying section 183, the Board must balance the need for timely resolution with the parties’ right to a fair hearing.
5. In addition, section 7 of the Statutory Powers Procedure Act permits a tribunal to proceed in the absence of a party.
6. In this case, the Tenant was present and prepared to proceed, and the Landlord attended through an authorized Representative. Accordingly, both parties were afforded a reasonable opportunity to participate in the hearing.
7. The Representative’s inability to proceed due to a lack of instructions is attributable to the Landlord and does not arise from any procedural unfairness or an improper exercise of my discretion. Given the circumstances, I denied the request for an adjournment.
8. As the Landlord’s Representative was unable to advance the application, having received no instructions or direction from the Landlord, I informed the parties that the application would be dismissed. The Landlord’s Representative neither objected nor challenged the decision.

It is ordered that:

1. The application is dismissed.

April 15, 2026
Date Issued

Ken Audziss
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.