



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-100425-25

In the matter of: Lower, 598 MAPLEDALE AVE
LONDON ON N5X2B8

Between: MARIA DEL CARMEN GARCIA MARCO, Landlord
EDUARDO HEREDIA AYALA

And

Suduwa Dewage Gunaratne Tenant
Thewage Harsha Perera

MARIA DEL CARMEN GARCIA MARCO, and EDUARDO HEREDIA AYALA (the 'Landlord') applied for an order to terminate the tenancy and evict Suduwa Dewage Gunaratne and Thewage Harsha Perera (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

MARIA DEL CARMEN GARCIA MARCO, and EDUARDO HEREDIA AYALA (the 'Landlord') also applied for an order requiring Suduwa Dewage Gunaratne and Thewage Harsha Perera (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on March 3, 2026.

Only the Landlord agent Anita Mann attended the hearing.

At the time of the hearing 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for the claim for compensation in the application. Therefore, the application is dismissed.

2. The Tenant vacated the rental unit January 1, 2026.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Landlord agent submitted documentary evidence in the form of unpaid invoices for utility companies and the amounts owing the Landlord claims the Tenant was responsible for under the tenancy agreement.
5. The Landlord agent also stated the Tenant owed a “portion” of the amounts indicated in the invoices.
6. The billing periods in the invoices do not match the period the Landlord has indicated in the application.
7. Given the above, I am unable to conclude the amount the Landlord is seeking in the application.
8. With the totality of the uncontested evidence and submissions before me and on a balance of probabilities I find the Landlord has not proved the grounds for the claim for compensation in unpaid utility amounts.
9. Therefore, the Landlord’s application must be dismissed.
10. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord’s application is dismissed.

April 22, 2026
Date Issued

Greg Brocanier
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.