



Order under Section 79 Residential Tenancies Act, 2006

Citation: Mostafavi v Towell, 2026 ONLTB 36252

Date: 2026-05-11

File Number: LTB-L-010071-25

In the matter of: 389 HALTER RD
LINDSAY ON K9V4R4

Between: Hossein Mostafavi Landlord

And

Mark Towell Tenant

Hossein Mostafavi (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Towell (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on June 23, 2025, and on May 4, 2026.

The Landlord and the Tenant's legal representative, J. Drago, attended the hearing on June 23, 2025, and only the Landlord attended the hearing on May 4, 2026.

As of 10:30 a.m., 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. The matter was adjourned on June 23, 2025, when the Tenant's legal representative said that the Tenant was not able to participate because he was incarcerated.
2. After that hearing date, the Landlord filed, and obtained an L1 order, LTB-L-047711-25 issued on December 22, 2025. The Tenant's legal representative attended that hearing, after which a standard termination order was issued. The order was not a consent order. Neither party requested a review of that order.

3. The Landlord said that the Tenant did not pay the substantial amount of arrears owed by the date noted in the L1 order, and therefore the Tenant did not void that order by January 5, 2026. However, the Landlord also said that he has not sought enforcement of the order, and the Tenant still has belongings in the rental unit.
4. I informed the Landlord that it is his option to enforce that L1 order to ensure that all the Tenant's belongings are removed from the unit. However, it is moot to pursue an application for abandonment of the rental unit, and it could result in a contradictory or confusing outcome. The Landlord chose to pursue his L1 application for rent arrears, and he already has an eviction order. The only potential result of this application is an order for eviction and arrears, which the Landlord has already obtained with his L1 order.
5. Therefore, I dismissed the Landlord's application.

It is ordered that:

1. The Landlord's application is dismissed.

May 11, 2026
Date Issued

Nancy Morris
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.