



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-025473-26

In the matter of: 1104, 190 LEES AVE
Ottawa K1S5L5

Between: Braedon Dagenais Tenant
Tanvi Hooja

And

Metcap Living Landlord
MetCap Living Management Inc

Braedon Dagenais and Tanvi Hooja (the 'Tenants') applied for an order determining that Metcap Living and MetCap Living Management Inc (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 7, 2026 at 09:00 am.

The Landlord Representative Lavinia Volney and the Tenants attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. Specifically, at the outset of the hearing the Landlord Representative requested that the Tenant's application be dismissed given pursuant to the pleadings led, the Landlord had not been collecting or retaining money illegally but rather the Tenant allegedly had been forced to pay a third, non named, party.
3. In response the Tenant testified that they filed the application as a result of an increase in utility costs that they were paying to Ottawa Hydro, as the primary source of heat in the rental unit was electric baseboard heaters. It was also testimony that given the lease specified the Landlord was to provide heat, they filed their application as they believed the additional costs were the Landlord's responsibility.

Analysis

4. The Tenant filed their application pursuant to subsection 135(1) of the Residential Tenancies Act, 2006 (the "Act") which states: A tenant or former tenant of a rental unit may apply to the Board for an order that the landlord, superintendent or agent of the landlord

pay to the tenant any money the person collected or retained in contravention of this Act or the Tenant Protection Act, 1997

5. Based on the above testimony and for the reasons that follow, the Landlord did not collect or retain money in contravention of the Act.
6. Specifically, by the Tenant's own testimony the Landlord has not been collecting money illegally, instead the Tenant has been allegedly paying what they believe to be excessive utilities that they allege are the Landlord's responsibility.
7. Given the above issue is an alleged failure to provide a vital service and or maintain the rental unit and not illegally retained money, I granted the Landlord Representatives motion.

It is ordered that:

1. The Tenant's application is dismissed.

May 12, 2026
Date Issued

Kelly Delaney
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.