



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-019932-26

In the matter of: 602, 120 ELM ST
COLLINGWOOD ON L9Y4E6

Between: Metcap Living Management Inc. Landlord

And

Andrew Mcilwrath Tenant

Metcap Living Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Mcilwrath (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

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 May 13, 2026.

Only the Landlord's Legal Representative, Stella Idahosa, attended the hearing.

As of 12:22 p.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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the Landlord's application is granted by way of conditional order.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 18, 2026, the Landlord mailed the Tenant an N8 notice of termination deemed served on February 23, 2026, with a date of termination of April 30, 2026. The notice of termination contains the following allegations and is summarized below:
 1. That the Tenant paid rent late each month from February 2025 to February 2026 with an attached schedule of the dates the Tenant paid the rent late.

4. The Landlord's Legal Representative indicates that the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month and has been paid late 12 times in the last 12 months.
5. Section 58 of the *Residential Tenancies Act*, 2006, (the 'Act') sets out that a Landlord may give a tenant notice of termination of their tenancy if the tenant has persistently failed to pay rent on the date it becomes due and payable. Since the service of the N8 notice, the Tenant has continued to pay rent late.
6. I accept the uncontested submissions and evidence of the Landlord's Legal Representative and am satisfied, on a balance of probabilities, that the Tenant has persistently failed to pay the rent on the date it was due.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

8. The Landlord is requesting a conditional order, ordering the Tenant to pay rent on time for a 12-month period. I find the request from the Landlord to be reasonable and appropriate as termination of a tenancy is a remedy of last resort. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall pay rent in full and on time on or before the first day of each month for a twelve-month period starting June 1, 2026, up to and including May 1, 2027.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2026, at 4.00% annually on the balance outstanding.

May 20, 2026
Date Issued

Paula West Oreskovich
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.