



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

File Number: LTB-L-035888-26

In the matter of: 606, 15 DUNDONALD ST
TORONTO ON M4Y1K4

Between: METCAP LIVING MANAGEMENT INC. Landlord

And

Darius Boustantchi Tenant

METCAP LIVING MANAGEMENT INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Darius Boustantchi (the 'Tenant') because:

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

This application was heard by videoconference on June 22, 2026.

Only the Landlord's Legal Representative, Christine Daniel, attended the hearing.

As of 9:33 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, given the Landlord's request, this tenancy may continue based on the conditions outlined in the order below.
2. The Tenant was in possession of the rental unit on the application was filed.

N8 Notice of Termination

3. On March 17, 2026, the Landlord gave the Tenant an N8 notice of termination, deemed served on March 22, 2026, with a termination date of June 30, 2026. The notice of termination alleged that the Tenant has persistently paid rent late 13/13 months during the period March 2025 – March 2026. The rent was paid late for each of these months.

4. The rent is due on the 1st day of each month. At the hearing, the Landlords' Legal Representative submitted that Tenant paid their rent late for the months of April – June 2026, updating the persistent late payments of the Tenant to 16 times in the past 16 months.
5. I accept the uncontested evidence of the Landlord and am satisfied, on a balance of probabilities, that the Tenant has persistently failed to pay the rent on the date it was due.
6. The Landlords' Legal Representative indicated that the Landlords would be satisfied with the issuance of a conditional order for the preservation of the tenancy.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (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.
8. The Tenant did not attend the hearing and did not present evidence on this issue.

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 to the Landlord the lawful monthly rent in full on or before the first day of each month, commencing July 1, 2026 and for 12 months thereafter up to and including June 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 *Residential Tenancies Act, 2006* (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.

June 25, 2026
Date Issued

Curtis Smith
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.