



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Brown v Gauthier, 2026 ONLTB 4347

Date: 2026-01-16

File Number: LTB-L-066340-25-RV

In the matter of: Lower, 43 NEWBURY DR
NEWMARKET ON L3Y4P9

Between: James Brown Landlord

And

Robert Gauthier Tenants
Wanda Thomas

Review Order

James Brown (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Gauthier and Wanda Thomas (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-066340-25 issued on October 24, 2025.

On November 3, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 4, 2025, interim order LTB-L-066340-25-RV-IN was issued staying the order issued on October 24, 2025.

This request was heard by videoconference on January 6, 2026.

The Landlord and the Tenants' legal representative, S. Li, attended the hearing.

I was satisfied that the Tenants had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 1:30 p.m.

Determinations:

1. The Tenants' request to review hearing was adjourned on November 27, 2025, after the Tenants' support worker said that the Tenant, R. Gauthier, sounded very ill on the day of that hearing. The interim order that issued after that hearing, LTB-L-066340-25-RV-IN2 did not mention why the other Tenant, W. Thomas, was unable to attend the hearing.

2. The Tenants did not attend the January 6, 2026, hearing either. Their legal representative did not know why they failed to attend the hearing, and he said that he has been unable to get in touch with them since the last hearing on November 27, 2025.
3. Since the Tenants failed to attend the hearing to support their request for a review, I find that the Tenants have abandoned their request.
4. The Landlord sought costs because he said that he has suffered expense and prejudice as a result of the Tenants' attempts to delay eviction. He said that they have not paid rent since he filed the application in August 2025, despite having been ordered to pay ongoing rent in the interim order issued after the last hearing on November 27, 2025, LTB-L-066340-25-RV-IN2 issued on December 5 2025.
5. The Landlord said that he has lost another month of rent because of the delay. He said that he has a mortgage on the property, as well as utility costs, insurance and other expenses in maintaining the property.
6. Rules 23.2 and 23.3 of the Board's Rules of Procedure provide that a member may exercise discretion to order a party to pay another party's representation/preparation fees and out of pocket expenses if a party engages in unreasonable conduct that causes undue delay or expense.
7. The Board's Interpretation Guideline #3 provides that unreasonable conduct includes bringing a frivolous or vexatious application, initiating an application or any procedure in bad faith, taking unnecessary steps in a proceeding, failing to take necessary steps, showing a lack of respect for the process or the Board.
8. The Tenants filed their request to review at the beginning of November 2025 alleging that they never received notice of the original hearing in October 2025. The notice of hearing had been mailed to them by the Board at the beginning of August 2025, and it was never returned to the Board. They did not attend the first hearing for their request in November, and they provided no explanation for that failure to appear except that one of the Tenants' support worker's believed that one of the Tenants sounded very ill. There was no explanation for the failure of the other Tenant to attend.
9. The Tenants then failed to respond to their own legal representative's attempts to communicate after November, and they did not attend their second request to review hearing.
10. I find that the above sequence of events suggests, on a balance of probabilities, that the Tenants filed their request to review in an attempt to delay their eviction, and therefore they filed it in bad faith. The first interim order staying the hearing order states at paragraph #6 that "a failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Tenant." Thus, the Tenants were advised in advance of the possibility of costs being ordered for their failure to attend.
11. The Tenants have failed to attend their review hearing not only once, but on two occasions, they did not communicate with their own legal representative, and they never withdrew their request, thus resulting in the waste of the Board's time as well as the

Landlord's.

12. As a result of the Tenants' bad faith request that has caused at least two further months of delay in evicting the Tenants, the Landlord has had further out-of-pocket expenses such as utility costs and other costs to maintain the property without the possibility of having tenants who pay the rent, to help cover his maintenance costs. I find that it is not unfair to impose \$300.00 costs on the Tenants because of their bad faith review request that led to the delays.
13. Since the Tenants did not appear at the hearing to support their review, I find that this review has been abandoned.

It is ordered that:

1. The request to review order LTB-L-066340-25 issued on October 24, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-06634-25-RV-IN issued on November 4, 2025, and interim order LTB-L-06634-25-RV-IN2 issued on December 5, 2025, are both cancelled. The stay of order LTB-L-066340-25 issued on October 24, 2025, is lifted immediately.
3. The Tenants shall pay the Landlord \$300.00 costs.
4. If the Tenants do not pay the Landlord the full amount owing by January 27, 2026, the Tenants will owe interest. This will be simple interest calculated from January 28, 2026, at 4.00% annually on the balance outstanding.

January 16, 2026
Date Issued

Nancy Morris
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.