



Order under Sections 30 and 135 Residential Tenancies Act, 2006

File Number: LTB-T-061064-25

In the matter of: 97 DANZATORE PATH
OSHAWA ON L1L0P9

Between: Yanique Graham Tenant

And

Mayuri Shanmuganathan Landlords
Grishan Rajasingham

Yanique Graham (the 'Tenant') applied for an order determining that Mayuri Shanmuganathan and Grishan Rajasingham (the 'Landlords'):

- collected or retained money illegally.
- failed to meet their maintenance obligations under the *Residential Tenancies Act, 2006* or failed to comply with health, safety, housing or maintenance standards.

This application was scheduled for an Adjudicative Case Conference (hereafter referred to as the 'ACC') on January 26, 2026. The ACC was heard by videoconference.

Only the Landlord Mayuri Shanmuganathan and the Landlords' Legal Representative, Jennifer Mary Lambe, attended the hearing.

As of 10:45, the Tenant was not present or represented at the ACC, although properly served with notice of this ACC by the LTB. There was no record of a request to adjourn the ACC.

Determinations:

1. Since the Tenant did not attend the ACC, I find that this application has been abandoned¹.

Costs Against the Tenant

2. The Landlords sought to claim costs in the amount of \$600.00 against the Tenant due to their failure to attend the ACC. They also stated that the Tenant's claims were previously addressed through the order LTB-L-077591-25, issued on December 23, 2025, and that the

¹ Rule 9.4 of the *Board's Rules of Procedure*.

Tenant's failure to withdraw their application led to the Landlords unduly incurring costs and legal fees to prepare for the matter and submit their corresponding materials.

3. Rule 23.2 of the Board's Rules of Procedure reads as follows:

A member may exercise discretion to order a party to pay another party's:

- a. representation/preparation fees; and*
- b. other out-of-pocket expenses.*

Where the LTB orders a party to pay the representation/preparation fees incurred by another party, these fees shall not exceed \$100 per hour for the services of a paid representative to a maximum of \$700.

4. Rule 23.3 of the Board's Rules of Procedure reads as follows:

A party who engages in unreasonable conduct which causes undue delay or expense may be ordered to pay costs to another party.

5. While it is not binding upon me, the Board's *Interpretation Guideline 3* provides that costs to a successful party will generally only be awarded where conduct is unreasonable. One's conduct is considered unreasonable if it causes undue expense or delay and includes (but is not limited to) the following:

- Bringing a frivolous or vexatious application or motion;
- Initiating an application or any procedure in bad faith;
- Taking unnecessary steps in a proceeding.

6. The Landlords did not provide evidence as to the Tenant's alleged bad faith, beyond stating that they took no steps to withdraw their application prior to the ACC.
7. Despite being invited to do so, the Landlords did not provide clear submissions as to the time they took to prepare for the ACC, especially when taking into consideration the common material facts between the application and the matter previously heard by the Board on November 10, 2025 (LTB-L-077591-25). They limited their submissions to general statements that were not substantiated by any evidence.
8. Costs are not to be ordered in a way that would discourage parties from exercising their statutory rights. The Tenant is entitled to file and present applications against the Landlords if the situation warrants such a filing, and both parties would be able to present their respective positions in a fulsome manner. No submissions were presented by the Landlords to lead me to consider the Tenant's conduct as being vexatious², and while there may be common material facts between the applications LTB-T-061064-25 and LTB-L-077591-25, I note that the Tenant filed their application on July 24, 2025, prior to the Landlords filing the application LTB-L-077591-25.

² *Lang Michener Lash Johnston v. Fabian*, [1987] O.J. No. 355 (H.C.)

9. Accordingly, the Landlords' request for costs is therefore denied.

It is ordered that:

1. The Tenant's application is dismissed.

January 27, 2026
Date Issued

Alexandre Traboulsi
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.