



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-092621-24

In the matter of: 775 WILKINS ST
LONDON ON N6C4Z9

Between: Daniel Oliveira Tenant

And

Nichola Mitches Landlord

Daniel Oliveira (the 'Tenant') applied for an order determining that Nichola Mitches (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on February 4, 2026. The Tenant and the Tenant's agent Andrea Shabbar attended the hearing. The Tenant spoke with duty counsel prior to the hearing. The Landlord and the Landlord's legal representative attended the hearing.

1. At the hearing, the Tenant sought to withdraw the application and I consented to the request.

Request for costs:

2. In response to the Tenant's request to withdraw their T2 application, the Landlord requests costs be awarded to the Landlord in the amount of \$100.00 - \$150.00. The Landlord states that it participated in an adjudicative case conference held on June 26, 2025. The Landlord states it also prepared for and attended the scheduled hearing.
3. The Tenant states that the Landlord previously withdrew an application one week prior to a hearing and the Tenant's did not seek costs.
4. Rule 23.2 of the Landlord and Tenant Board's ('LTB') Rules of Procedure notes the following:

23.2 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 \$700.00.

- 5. The Timing of the request to withdraw the Tenant's application is untimely. Submissions were made by the parties at the outset of the hearing relating to a preliminary issue raised by the Landlord. Following the submissions and prior to my ruling on the preliminary issue, the Tenant requested to withdraw their application. Based on this, I accept the Tenant's attended the hearing with the intention of proceeding on the merits of their application. The Tenant is self-represented but spoke with duty counsel prior to the hearing. I find costs in the amount of \$75.00 are reasonable towards the costs incurred by the Landlord for the representation/preparation fees to attend the hearing. This amount is to be paid by the Tenant to the Landlord by March 4, 2026, or interest will start to accrue.
- 6. The application having been withdrawn; the LTB's file is closed.

It is ordered that:

- 7. The Tenant shall pay \$75.00 for costs to the Landlord by March 4, 2026.
- 8. If the Tenant does not pay the Landlord the full amount owing on or before March 4, 2026, the Tenant will start to owe interest. This will be a simple interest calculated from March 5, 2026 at 4.00% annually on the balance outstanding.

February 9, 2026
Date Issued

Kimberly Parish
Vice Chair, 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.