



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

File Number: LTB-L-056002-24-RV

In the matter of: 304 Tourmaline Cres
Nepean ON K2J5X3

Between: Rajakumar Subramaniam
Prashanthi Nadarajah

Landlords

and

Meryem Nadak
Radouane Hamran
Najia Dahmane

Tenants

Review Order

Rajakumar Subramaniam and Prashanthi Nadarajah (the 'Landlords') applied for an order to terminate the tenancy and evict Meryem Nadak, Radouane Hamran and Najia Dahmane (the 'Tenants') because:

- the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was resolved by order LTB-L-056002-24 issued on August 5, 2025.

On August 22, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On August 25, 2025 interim order LTB-L-056002-24-RV-IN was issued, staying the order issued on August 5, 2025.

The request for review was granted by order LTB-L-056002-24-RV-IN2 and the new hearing of the L2 application was scheduled to another available date.

The new hearing was held by videoconference on February 4, 2026.

The Landlords' Legal Representative, David Ciobotaru, the Tenants' Legal Representative, Ahmad Alzameli, and the Tenants attended the hearing.

Determinations:

1. At the hearing, the Landlords' Legal Representative sought to withdraw the application.
2. In accordance with section 200(4) of the *Residential Tenancies Act, 2006* (the "Act"), I consent to the withdrawal of this application.

Costs

3. The Tenants' Legal Representative sought costs for attending the hearing given that the Landlords' Legal Representative did not notify the Tenants prior to the hearing of the possibility of a withdrawal and waited until after settlement discussions to withdraw their application.
4. The Tenants' Legal Representative submitted that he spent considerable time preparing for the hearing, including compiling and serving a substantial amount of disclosure and had they been given prior notice, they would not have expended the time and resources to prepare. The Tenants' Legal Representative requested \$1,000.00 in costs.
5. The Landlords' Legal Representative submitted that the decision to withdraw was made after a breakdown in settlement discussions. He submits that the intended occupant is an 84-year-old woman, who is not in good health, and based on the discussions in the breakout room, his client made the decision not to pursue the application further.
6. An award of costs is discretionary. Rules 23.2 and 23.3 of the Board's Rules of Procedure (the "Rules") provide for ordering another party's costs. Under Rule 23.2 costs are limited to representation/preparation fees and out of pocket costs. The hourly rate for a paid representative is capped at \$100.00 to a maximum of \$700.00. Rule 23.3 does not specify the types of costs that may be awarded but does provide a party must have engaged in unreasonable conduct that caused undue delay or expense.
7. I do not find that the Landlords' conduct was unreasonable in the circumstances. It is not uncommon for parties to engage in settlement discussions and make decisions on whether to proceed with a file based on those discussions. There is nothing to suggest that the Landlords attended the hearing always having the intention to withdraw but failed to notify the Tenants' Legal Representative of this intention.
8. Additionally, this is not the first merits hearing of this application. This application was previously heard in January 2025 and a decision rendered. However, that decision was subsequently overturned due to a serious error in the order and that is how the parties ended up before the Board on February 4, 2026 for a new hearing on the merits. While it is reasonable to expect that some additional preparation time would have been required, it need not be substantial considering the parties would have prepared and exchanged disclosure prior to the first hearing. In my view, it's more likely than not that any additional preparation required for the second hearing would be minimal.
9. For the foregoing reasons, the Tenants' Legal Representative request for costs is denied.

It is ordered that:

1. The Landlords' application is dismissed as withdrawn.

February 10, 2026

Date Issued

Candace Aboussafy

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.