



Order under Section 69 Residential Tenancies Act, 2006

Citation: The Effort Trust Company v Panz, 2026 ONLTB 13408

Date: 2026-02-10

File Number: LTB-L-021154-25

In the matter of: 705, 518 MOHAWK RD E
HAMILTON ON L8V2J3

Between: The Effort Trust Company Landlord

And

Katherine Panz Tenant

The Effort Trust Company (the 'Landlord') applied for an order to terminate the tenancy and evict Katherine Panz (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 5, 2026.

The Landlord's Legal Representative, Kimberly Holleran, and the Tenant attended the hearing.

Determinations

1. At the hearing, the Landlord sought to withdraw the application without prejudice. The Landlord submitted that the N4 Notice, which the L1 application is based on, is defective. The Landlord elected not to proceed with an order for arrears only.
2. By way of background, the parties were before the Board on June 12, 2025. The matter was adjourned for the Tenant to raise issues pursuant to section 82 of the Act. The Tenant did not consent to the Landlord's request to withdraw the application and the Landlord filed a Request to Withdraw the application on July 30, 2025. The request was denied by the Board.
3. Given that the Tenant's issue raised pursuant to section 82 of the Act is that the Landlord's application is flawed, I find no reason to not dismiss the Landlord's application.
4. The Tenant submitted that the matter should be withdrawn and dismissed with prejudice, citing that the application was an abuse of process and that the arrears claimed on the application was already adjudicated on.
5. The Tenant references LTB-T-042916-22 which was a T2 application resolved by an order issued January 8, 2025. The Tenant's application was successful and the Board granted the Tenant an rent abatement and an ongoing rent deduction if the Landlord did not

comply with certain conditions in the order. The Tenant also submitted that there was a previous order determining the arrears issued in 2023.

6. Based on the submissions before the Board, I am unable to find that the current application is vexatious and frivolous or that the alleged arrears have been adjudicated on, and I am not satisfied that the Landlord's request to withdraw constitutes an abuse of process. The order issued on January 8, 2025 makes no determination on arrears. The current application before the Board claims arrears from January 1, 2025 onwards. Any order issued in 2023 could not have determined arrears in 2025.
7. While I am mindful of the history of proceedings between the parties, I cannot ignore the fact that the merits of the application were not heard. It would be prejudicial to the Landlord to deny their ability to file against the Tenant for the alleged arrears. As such, the withdrawal of the application will be on a without prejudice basis.

It is ordered that:

1. The Landlord's application is dismissed as withdrawn without prejudice.

February 10, 2026
Date Issued

Vicky Liu
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.