



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-096964-25

In the matter of: 1 MAIN FLOOR, 755 CONNAUGHT AVE
SUDBURY ON P3E3W8

Between: EDWARD CHIESA Landlord

And

MELISSA OSBORNE Tenant
JAMES FOX

EDWARD CHIESA (the 'Landlord') applied for an order to terminate the tenancy and evict MELISSA OSBORNE and JAMES FOX (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on February 26, 2026.

The Landlord and the Landlord's Legal Representative Jennifer Murray and the Tenant and the Tenant's Legal Representative Yvan Pilon attended the hearing.

Determinations

1. At the hearing, the Landlord sought to withdraw the application, and I consented to the request.
2. The application having been withdrawn, the LTB's file is closed.

The Costs

3. After the Landlord's Legal Representative made the request to withdraw the Tenant's Legal Representative requested an order for costs on the basis that the Landlord had been late to join the hearing, which lead to a delay in the matter being heard by the Board. This required him to remain at the hearing and incurred additional costs for his clients. The Tenant's Legal Representative sought \$200.00 in costs.
4. I am not satisfied that costs are appropriate. Interpretation Guideline 3 States:

A Member has the discretion to require a party, a party's agent or a party's legal representative to pay, as costs, any representation or preparation expenses of another party where the conduct of the party, a party's agent or a party's legal representative was unreasonable. Conduct is unreasonable if it causes undue expense or delay and includes the following:

1. Bringing a frivolous or vexatious application or motion;
2. Initiating an application or any procedure in bad faith;
3. Taking unnecessary steps in a proceeding;
4. Failing to take necessary steps, such as those required by the RTA or Rules;
5. Any misconduct at the hearing or in the proceeding;
6. Raising an issue which is irrelevant to the proceedings and continuing to pursue that issue after the Member has pointed out that it is irrelevant;
7. Asking for adjournments or delays without justification;
8. Failing to prepare adequately for the hearing;
9. Acting contemptuously toward the Member or showing a lack of respect for the process or the Board;
10. Failing to follow the directions of the Member or upsetting the orderly conduct of the hearing; and
11. Maligning another party or unreasonably slurring the character of the other party.

5. While this guideline is not binding on me, I find no reason to deviate from it here.
6. Ultimately, while the Landlord was late in joining the hearing room, I am not satisfied that this led to an unreasonable delay in the proceedings. Instead after the Landlord's Legal Representative made the board aware that her client was unable to join the matter was stood down and the Landlord's Legal Representative was able to contact her client and ensure the Board was kept updated with respect to their attendance. The matter was scheduled as part of a full docket and other matters were addressed while the Landlord joined. While the matter was heard later in the day, this is a common occurrence for contested matters, and I am not satisfied that it can be attributed solely to the Landlord's delay in joining.
7. I am also prepared to accept that the Landlord was experiencing technical difficulties which led to a delay in his joining the hearing block.
8. Therefore, I am not satisfied that costs are appropriate. However, I shall note for the Landlord and Landlord's Legal Representative that punctual attendance is expected at all LTB proceedings, and continued lateness may result in costs being ordered.

March 10, 2026
Date Issued

Reid Jackson
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.