



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-063453-25

In the matter of: B, 33 ROSEBERY PL
ST THOMAS ON N5R2H8

Between: Courtney VanDusen
Adam Parachoniak
Tenants

And

Christopher Simoes
Landlord

Courtney VanDusen and Adam Parachoniak (the 'Tenants') applied for an order determining that Christopher Simoes (the 'Landlord'):

- entered the rental unit illegally;
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenants replacement keys;
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household;
- harassed, obstructed, coerced, threatened or interfered with the Tenants;
- withheld or interfered with their vital services or care services and meals in a care home; and
- failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 or failed to comply with health, safety, housing or maintenance standards.

An Adjudicative Case Conference ('ACC') was held by videoconference on March 4, 2026. Only the Landlord and the Landlord's Legal Representative, Samantha Lee, attended the ACC.

As of 9:33 a.m., the Tenants were 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 Tenants did not attend the hearing to support their application, I find that this application has been abandoned.
2. The Landlord's Legal Representative sought costs in the amount of \$500.00 for legal fees incurred by the Landlord for preparation and attendance at the ACC as well as for the time the Landlord had to take off work to attend the ACC. In this regard, the Landlord's Legal

Representative submitted that the Tenants should have notified the Landlord and the Board if they did not intend on the attending the ACC or otherwise continuing with their application.

3. The Board may 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, but is not limited to, the following:
 - Failing to take necessary steps, such as those required by the RTA or Rules;
 - Failing to prepare adequately for the hearing;
 - Failing to follow a procedural order or direction such as an order to serve another party with a document;
 - Delaying the hearing by not taking actions required in the Rules.
4. The Board's Rules of Procedure stated that, where the Board orders a party to pay the representation or 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.
5. The Notice of Adjudicative Case Conference is clear that the parties must attend. Were it not for the Tenants' filing an application against the Landlord, the Landlord and their representative would not have to attend the ACC. As the applicants, the Tenants have an obligation to follow the Board's process in pursuing their claims against the Landlord. By not attending the ACC, I find that they have abandoned the Board's process and caused undue expense to the Landlord.
6. Accordingly, I find it appropriate in the circumstances to order costs of \$100.00. This is for one hour of paid representation at the ACC. I note that no disclosure was given to the Tenants or filed with the Board by the Landlord's Legal Representative prior to the ACC and so I do not find it appropriate in the circumstances to order costs for preparation.

It is ordered that:

1. The Tenants' application is dismissed.
2. The Tenants shall pay costs to the Landlord in the amount of \$100.00 on or before March 21, 2026. If the Tenants fail to pay this amount, the Tenants will start to owe interest, commencing March 22, 2026, at the rate of 4.00% per annum.

March 10, 2026
Date Issued

Rachel Gibbons
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.