



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

File Number: LTB-L-108185-25-RV

In the matter of: 2, 3830 Main Street
Niagara Falls ON L2G6B2

Between: Tony Moracci Landlord
100040945 Ontario Inc.

And

Thomas Henderson Tenant
Tania Dmyterko

Review Order

Tony Moracci and 100040945 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Henderson and Tania Dmyterko (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

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

This application was resolved by order LTB-L-108185-25 issued on February 12, 2026 as a result of a hearing that took place on February 3, 2026 where all parties were in attendance.

On March 4, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. For the reasons that follow, the request to review is denied and the order remains unchanged.

Request to review

2. The Landlord's request to review alleges the order contains serious errors when it denies ordering the Landlord the application filing fee. The request to review goes on to reargue the Landlord's case.
3. In reviewing the order that is the subject of this review, it appears the Landlord's L2 application was based on a N8 notice of termination. At the hearing, the Tenant had

already vacated the rental unit, rendering the request for eviction under the application, moot.

4. The Landlord maintains they should have been awarded the application filing fee but as the Member correctly indicates in the order, the granting of the filing fee is a discretionary decision which would only be reviewed if there was an unreasonable exercise of discretion.
5. So the question before the Board is whether it was unreasonable for the Member to not grant the filing fee. I find it was not.
6. In the face of an application that is rendered moot, I do not find it unreasonable for the adjudicator to deny awarding the filing fee as the Landlord has not been successful in obtaining the remedy they seek at the LTB- their application has just become not-proceedable.
7. To proceed then, on a moot application, in hearing evidence about the application just to grant the application filing fee is not the most efficient use of public monies and not in the public interest.
8. As such, on the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings and the request to review is denied.
9. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-L-108185-25 issued on February 12, 2026 is denied. The order is confirmed and remains unchanged.

March 5, 2026
Date Issued

Sonia Anwar-Ali
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.