



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-066440-25

In the matter of: Basement Unit, 12 BEACON AVE
HAMILTON ON L8T2N3

Between: Samrit Dhaliwal Landlord

And

LOAY HIADARY Tenant
Hawra Alkayat

Samrit Dhaliwal (the 'Landlord') applied for an order to terminate the tenancy and evict LOAY HIADARY and Hawra Alkayat (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.

Samrit Dhaliwal (the 'Landlord') applied for an order requiring LOAY HIADARY and Hawra Alkayat (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on November 26, 2025.

The Landlord's Legal Representative Sayed Bukhari, the Landlord, the Tenant's Legal Representative Glenn Gosling and the 2nd named Tenant attended the hearing.

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 The application having been withdrawn, the LTB's file is closed.

Costs Request

3. The Tenant's Legal Representative Mr. Gosling requested the Board consider cost in the amount of \$700.00, stating for his preparation time and time spent during the hearing was an abuse of process.
4. The Landlord's Legal Representative Mr. Bukhari argued costs should not be awarded as the application was withdrawn and there was no evidence of bad faith or vexatious intent.

He felt that if the Board awarded costs it would fail to balance the issues between the parties.

5. After considering the submissions made by both parties, I turned to Section 204 of the 'Act' and the LTB Rules of Procedures.
6. The Board has the discretion to award costs. To find an abuse of process or unreasonable conduct sufficient to warrant cost, the party must demonstrate that the other party acted with malice, pursued a patently frivolous claim, or engaged in conduct intent to cause unnecessary delay.
7. While I appreciate the Tenant expressed frustration that the application was withdrawn, the act of withdrawing an application does not, in itself, constitute an abuse of process.
8. There is insufficient evidence before me to suggest the Landlord filed the application for an improper purpose. While the Tenants spent time and money on preparation, these are the standard risk and costs associated with any form of litigation.
9. I am not satisfied that the Landlord's conduct rises to the level of unreasonable, frivolous or vexatious behaviour. As a result, the Tenant's request for costs will be denied.

March 20, 2026
Date Issued

Anthony Bruno
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.