



**Order under Section 9(2)
Residential Tenancies Act, 2006**

File Number: LTB-T-014866-25

In the matter of: 41 THORNVALLEY TERR
Caledon ON L7C4H9

Between: Shubhpreet Dhanoa Tenants
Yashica Lihal

And

Sukhbir Singh Landlords
Gurpreet Janjua

And

Vijayant Sood Landlords Agent

Shubhpreet Dhanoa and Yashica Lihal (the 'Tenants') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on March 18, 2026.

Only the Landlords and the Landlords legal representative, Vijayant Sood, attended the hearing.

As of **10:14am**, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. Since the Tenants did not attend the hearing to support their application, I find that this application has been abandoned.

Costs

2. The Landlord and their representative sought costs at the hearing for the Tenants failure to attend the hearing and for not notifying the Landlord of their intention to abandon their application despite them being represented by a lawyer licensed by the Law Society of Ontario. On this basis, they seek costs jointly against the Tenants and their legal representative in the full amount of \$700.00.

3. They also requested costs because they spent a considerable amount of time preparing for the hearing which included listening to the hearing recording for the parties' other matter under LTB-L-038238-23 that was adjourned on January 14, 2025 based on an L1 application. They did so because the Tenants already raised the issue of whether the Act applies on January 14, 2025 in which Member, Sheena Brar, heard substantial evidence and then seized themselves of the file to continue hearing the application and this preliminary issue.
4. The Board's Interpretation Guideline 3 entitled Costs says in part:

The Board should not use its power to order costs in a way which would discourage landlords and tenants from exercising their statutory rights.

Generally, costs may be ordered where a party's conduct in the proceeding was unreasonable...

Before ordering a party, a party's agent or a party's legal representative to pay costs, a Member should ensure that the person who will be affected by the order for costs has an opportunity to make submissions on the matter.

However, if a party has received notice of a hearing and does not attend a hearing, or if a party's agent or legal representative is on the record as representing a party and does not attend a hearing, a Member may proceed to make an order for costs without notifying the person affected of the intention to do so, provided that the failure to attend the hearing delayed the process unnecessarily or caused unnecessary expense to the other party...

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; etc

[Emphasis added.]

5. It should be noted that despite the Tenants raising this very issue and making submissions at the January 14, 2025 hearing, the Tenants filed this duplicative A1 application on February 12, 2025. In other words, what the Tenants sought to do at the hearing of this second application was attack any potential previous finding by the seized Member by way of an impermissible collateral attack. It is an abuse of process to file a secondary application to determine the exact issues that are raised in another ongoing proceeding in which the parties have already made substantial submissions before a seized Member.

6. Neither the Tenants nor their representative advised the Landlords or the LTB that they did not intend to proceed with their application, despite receiving the notice of this hearing by the LTB.
7. The Tenants' representative also failed to seek to be removed from the record and failed to notify the Landlords that neither they nor the Tenants would be attending the hearing. This is unreasonable conduct that has caused considerable unnecessary expense for the Landlords who were represented throughout.
8. In all of the circumstances here an adverse costs award is clearly warranted as against the Tenants and the Tenants' representative jointly.
9. Pursuant to Rule 23 the Landlords are entitled to costs of \$100.00 per hour for hearing and preparation time up to a maximum of \$700.00 for costs relating to having to pay a legal representative. The number of hours of hearing and preparation time spent on this matter by the Landlords' representative I accept is 5.5 hours of preparation time, including listening to the previous 2.5-hour hearing recording, plus the 1.5 hours spent attending this hearing. As a result, an order will issue requiring the Tenants and the Tenants' representative to pay the Landlord \$700.00 for costs.
10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenants' application is dismissed.
2. The Tenants and the Tenants' legal representative shall pay to the Landlords costs in the amount of \$700.00 by April 1, 2026. This obligation is joint and several.
3. If the Tenants and the Tenants' representative do not pay the Landlords the full amount owing on or before April 1, 2026, they will start to owe interest. This will be simple interest calculated from April 2, 2026 at 4.00% annually on the balance outstanding.

March 25, 2026
Date Issued

Terri van Huisstede
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.