



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

File Number: LTB-L-099560-25-RV

In the matter of: 1, 539 CLAYTON AV
PETERBOROUGH ON K9K0H7

Between: SIVARAJ PASUPATHIPILLAI Landlord

And

THE ESTATE OF JOEY WAYNE WARMINGER Tenants
ALICIA FRANCAS SORG

Review Order

SIVARAJ PASUPATHIPILLAI (the 'Landlord') applied for an order to terminate the tenancy and evict THE ESTATE OF JOEY WAYNE WARMINGER and ALICIA FRANCAS SORG (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-099560-25 issued on February 13, 2026.

On February 18, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 20, 2026, interim order LTB-L-099560-25-RV-IN was issued, staying the order issued on February 13, 2026.

The review request was heard by videoconference on March 26, 2026.

Only the Landlord and the Landlord's legal representative, Vitali Luchko, attended the hearing. I was satisfied that the Tenants had been served with the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 9:30am.

Determinations:

1. Since the Tenants failed to attend the hearing to provide evidence or submissions in support of their review request, I find that this review has been abandoned.
2. At the hearing, the Landlord requested an order for party costs in the amount of \$700.00. For the following reasons, the Landlord's request for costs is granted.
3. First, I am guided by the principles outlined in the Guideline 3 of the Board's *Interpretation Guidelines* which says, "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.”

4. The Guideline goes on to state: “...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.”
5. This is precisely what happened here. The Landlord says that the Tenants repeated failure to attend hearings has delayed the process and caused unnecessary expense to the Landlord. The Landlord says that the Tenants have failed to attend three hearings. First, they failed to attend the original L1 hearing on February 4, 2026. Next, they failed to attend another hearing regarding the Landlord's L2 application. Last, the Tenants failed to attend the Review hearing before me. All of these absences have caused undue delay in the Board's process and have caused ongoing expense for the Landlord. For these reasons, I find that an order for party costs is warranted in this instance.
6. Regarding the quantum of costs, I am guided by Rule 23 of the Board's *Rules of Procedure* which says, “where the LTB orders a party to pay the representation/ 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.”
7. In the matter before me, the hearing was scheduled to begin at 9:00am and the parties were advised to attend the virtual hearing room at 8:45am. I began hearing this matter at 9:30am and concluded at approximately 9:45am. This means the Landlord's legal representative was present for 1 hour. An order for Party costs in the amount of **\$100.00** is therefore warranted and an order will issue accordingly.

It is ordered that:

1. The request to review order LTB-L-099560-25 issued on February 13, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 20, 2026, is cancelled. The stay of order LTB-L-099560-25 is lifted immediately.
3. On or before April 13, 2026, the Tenants shall pay to the Landlord costs in the amount of \$100.00.
4. If the Tenants do not pay the Landlord the full amount owing on or before April 13, 2026, the Tenants will start to owe interest. This will be simple interest calculated from April 14, 2026, at 4.00% annually on the balance outstanding.

April 2, 2026
Date Issued

Laura Harts lief
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.