



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-099116-23-EX

In the matter of: 48 Monticello Cr
Guelph ON N1G4P3

Between: Maya Sharma Tenants
Mika Sharma

And

Larry Favero Landlord

Maya Sharma and Mika Sharma (the 'Tenants') applied for an order determining that Larry Favero (the 'Landlord'):

- collected or retained money illegally
- 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
- failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This order was issued without a hearing being held.

Determinations:

1. On April 7, 2026, the Tenants filed a request to withdraw the application, stating that the Tenants have elected to pursue their claims against the Landlord in the Ontario Superior Court and as such, no longer wish to pursue their application with the LTB.
2. Pursuant to subsection 200(3) and 200(4) of the Act in a circumstance such as this, the Tenants require the consent of the Board.
3. The Landlord opposed the request to withdraw the application unless the Board was to order the Tenants to pay costs. As explained below, I have declined to exercise my authority to order the Tenants to pay costs and have consented to the Tenants request to withdraw.
4. The LTB's Interpretation Guideline 3 addresses the issue of costs. Although practice directions are not binding on the Board, they are intended to assist the parties in understanding the Boards usual interpretation and to provide guidance to Members and promote consistency in decision making.

5. The guideline suggests that generally, costs may be ordered where a party's conduct in the proceeding was unreasonable. The guideline also suggests that the Board should not use its power to order costs in a way which would discourage landlords and tenants from exercising their statutory rights.
6. In this case, an adjudicative case conference was held on December 9, 2024. All parties attended, the matter did not resolve, and the application was directed to a merits hearing. The merits hearing is scheduled for April 15, 2026.
7. In the Landlord's written submission, they outline that the late withdrawal amounts to unreasonable conduct because the Landlord has been required to prepare evidence, retain representation and take time off work to attend the scheduled hearing. As such, the Landlord requests that the Board order the maximum amount of costs and/or the Landlord's out-of-pocket costs. The Landlord failed, however, to provide a breakdown of those costs.
8. The request to withdraw was made more than seven days prior to the scheduled hearing (in accordance with the LTB's disclosure rules) and prior to the commencement of any merits of the application being discussed. As such, I do not find the conduct of the Tenants in this regard to be unreasonable. I also find that awarding costs in this circumstance may have a residual negative impact that may discourage the Tenants from exercising their statutory rights. Therefore, I decline to exercise my authority to order costs in this circumstance.

It is ordered that:

1. The Tenants' application is withdrawn.
2. The Landlord's request for costs is denied.

April 8, 2026
Date Issued

Karen Gonçalves
Member, Landlord and Tenants 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.