



Order under Section 30 Residential Tenancies Act, 2006

File Number: LTB-T-030175-25

In the matter of: UPPER, 713 BURNS STREET WEST
WHITBY ON L1N1K5

Between: ABINA GILBERT Tenant

And

TOBIAS FENNESSEY Landlord

ABINA GILBERT (the 'Tenant') applied for an order determining that TOBIAS FENNESSEY (the 'Landlord') 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.

An Adjudicative Case Conference ("ACC") was held by videoconference on April 20, 2026.

Only the Landlord's Legal Representative, Maria Rayson, attended the ACC.

As of 9:48 a.m., the Tenant was not present or represented at the ACC although properly served with notice of this ACC by the LTB. There was no record of a request to adjourn the ACC.

Determinations:

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

Request for Costs

2. The Landlord's Legal Representative sought costs in the amount of \$90.00 for the time spent at the ACC.
3. The Board's Interpretation Guideline 3 states:

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:

- i. *Bringing a frivolous or vexatious application or motion;*

ii. Initiating an application or any procedure in bad faith;...

4. While the Guidelines are not binding on me, I find them informative and, in this instance, persuasive. I find the Tenant's failure to attend the ACC, without notice to the Landlord or the Board, to constitute unreasonable conduct and caused the Landlord undue expense.
5. Regarding the quantum of costs, Rule 23 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."
6. The matter was called at 9:48 a.m. The Notice of ACC requires parties to join the video hearing 15 minutes before the start time of 9:00 a.m. The Landlord's Legal Representative would have spent approximately an hour at the hearing. As such, I find it appropriate to grant costs in the amount of \$90.00.

It is ordered that:

1. The Tenant's application is dismissed.
2. The Tenant shall pay \$90.00 in costs to the Landlord.
3. If the Tenant does not pay the Landlord the full amount owing on or before May 3, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 4, 2026 at 4.00% annually on the balance outstanding.

April 22, 2026

Date Issued

Vicky Liu

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.