



Order under Section 69 Residential Tenancies Act, 2006

Citation: A&M ECO DOPPLER INC. v WILLIS, 2026 ONLTB 32613

Date: 2026-04-23

File Number: LTB-L-000048-26

In the matter of: 38 WINDSOR CIR
NIAGARA ON THE LAKE ON L0S1J0

Between: A&M ECO DOPPLER INC. Landlord

And

Jessica Willis Tenant

A&M ECO DOPPLER INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Willis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2026, and April 16, 2026. The Landlord's legal representative Tigran Sandukhchyan, the Tenant and the Tenant's legal representative Gordon Freedman attended the hearings.

Determinations:

1. At the hearing on April 16, 2026, the Landlord requested that the application be withdrawn. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

Costs against Landlord:

2. After I accepted the Landlord's request to withdraw the application, the Tenant's representative made a request for Board costs to be ordered against the Landlord.
3. As explained below, I find that Board costs are warranted.
4. The Landlord's representative stated that the reason for the application being withdrawn is because his client does not have legal standing as a landlord of the property and that the property is currently owned by CIBC who became a mortgagee in possession of the property pursuant to the *Mortgages Act R.S.O. 1990, C.M.40*.
5. The parties agree that a power of sale for the property occurred on April 11, 2025 through Superior Court judgment. The Tenant's representative further submitted that the

mortgagee took possession of the property on or about October 1, 2025, which was not disputed by the Landlord's representative.

6. The Landlord's application was filed on February 10, 2026. Prior to this hearing, the matter was scheduled before the Board on March 12, 2026, and was adjourned to allow the Landlord's representative to obtain information with respect to the current ownership of the property. The adjournment was granted because the Landlord was not present at the hearing and because their legal representative had no personal knowledge of the preliminary concern being raised.
7. The Landlord's representative confirmed at this current hearing that he received confirmation from the mortgagee on March 14, 2026 that they had taken possession of the rental unit.
8. The Board's Interpretation Guideline 3 speaks to ordering costs against a party and requires that, in considering a request for costs awarded against a party, the Board consider whether the party's actions were unreasonable. A party's actions will be considered unreasonable if they cause undue expense or delay.
9. In this case, the party who initiated this application had no lawful standing to do so as of October 2025, and despite this, filed an application with the LTB four months later without advising their legal representative of the status of the property. This untimely resulted in the matter being adjourned from the March 12, 2026 hearing date. Further, following that adjournment, the Landlord's legal representative received the information required more than a month prior to this current hearing date and despite this, did not withdraw the application prior to the hearing date.
10. The Board in this case scheduled two hearings on an expedited basis (both at the Landlord's request) which ultimately resulted in the application being withdrawn because the Landlord never had lawful standing to commence the application.
11. In my view, the conduct of the Landlord has resulted in a waste of both the Tenant's and the Board's time and has further caused the Tenant to incur out-of-pocket expenses.
12. In accordance with Rule 23.2 of the Board's Rules of Procedure, which states that costs should be awarded in the amount of up to \$100.00 per hour for attendance and preparation time, I find that the Tenant is entitled to costs in the amount of \$400.00. This amount includes \$100.00 for the time of each hearing and \$100.00 in preparation for each hearing.
13. I also find that it is appropriate to order the Landlord to pay \$200.00 in costs to the Board for the undue delay in the proceedings (\$100.00 per hearing).
14. This Order contains all the reasons for this matter. No further reasons will issue.

It is ordered that:

1. The Landlord's application is withdrawn
2. The Landlord shall pay to the Tenant \$400.00 in costs.
3. If the Landlord does not pay the Tenant the full amount owing by May 4, 2026, the Landlord will start to owe interest. This will be simple interest calculated from May 5, 2026, at 4.00% annually on the balance outstanding.
4. The Landlord shall pay costs of \$200.00 to the Board on or before May 4, 2026.

April 23, 2026

Date Issued

Fabio Quattrociochi

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.

Payment of the Board costs must be made to the LTB by the deadline set out above. The fine can be paid by certified cheque, bank draft or money order made payable to the Minister of Finance. If paying in person, the debt can also be paid by cash, credit card or debit card.