



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

File Number: LTB-L-060446-25-RV

In the matter of: 1, 21 JOHN ST WEST
STURGEON FALLS ON P2B1X9

Between: Darlene Ransom Landlord

And

Krystal Pastoor Tenants
Rene Villemaire

Review Order

Darlene Ransom (the 'Landlord') applied for an order to terminate the tenancy and evict Krystal Pastoor and Rene Villemaire (the 'Tenants') because:

- the Tenants did not pay the rent the Tenants owe (L1 application).
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. (L2 application).

This application was resolved by order LTB-L-060446-25 issued on January 7, 2026 and Amended Order issued on January 28, 2026.

On January 9, 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 January 29, 2026, interim order LTB-L-060446-25-RV-IN was issued, staying the orders issued on January 7, 2026 and January 28, 2026.

The review request was heard via videoconference on March 5, 2026 and the request was granted and a new hearing ordered under the Interim Review Order issued on March 11, 2026.

These applications were heard de novo by videoconference on April 21, 2026.

The Tenant, Krystal Pastoor, and the Landlord's legal representative, Deborah Kingdon-Facey, attended the hearing. The Tenant confirmed that they had the authority to act on behalf of both named Tenants and that the other Tenant would not be attending the hearing.

Determinations:

1. On April 1, 2026 the Landlord filed a request to withdraw their applications submitting that the rent arrears and filing fee have already been paid and that the Tenants had vacated the rental unit on March 31, 2026 and therefore they no longer intended on proceeding.
2. On April 1, 2026 the Tenant then submitted an objection to the Landlord's withdrawal request pending consideration of costs in the form of reimbursement for the rent arrears in the amount of \$800.00, the filing fee for the combined application which had been paid in the amount of \$186.00 and for their filing fee returned for their successful review at a cost of \$58.00 for a total of \$1,044.00 in requested costs.
3. At this hearing the Landlord confirmed their request to withdraw the application stating that the issue with the rent arrears were discontinued as noted in the adjournment sheet on the review hearing date and also on the basis that the Tenants vacated the rental unit on March 31, 2026 and therefore there was no longer a need to request a hearing on the merits on the basis the Tenants already vacated.
4. The Tenant confirmed that they vacated the rental unit on March 31, 2026 and they confirmed that they were not contesting the Landlords request to withdraw the applications on this basis.
5. The Tenant submits that the Landlord should be ordered to pay the Tenants costs. In this regard the Tenant also submits that the Landlord owes them an estimated interest amount of \$69.51 for having retained their last month's rent deposit. What the Tenants are ultimately requesting is an order for the Landlord to return the money that they paid to them regarding their L1 application and their costs they paid for the request for review. The Tenant is further raising claims pursuant to subsection 87(2) of the *Residential Tenancies Act, 2006* (the 'Act') without first providing the Landlord with notice of their claims at least seven days in advance of the hearing in accordance with the LTB's Rules.
6. The Landlord was opposed to paying any such costs to the Tenants. Firstly, because if the Tenants sought costs for their review request, then they ought to have made this request at the hearing for the review March 5, 2026 and they did not.
7. Secondly, because the Tenants failed to provide their list of issues pursuant to subsection 87(2) of the Act and in accordance with Rule 19.4 of the Board's Rules of Procedure at least 7 days in advance of the hearing.
8. Thirdly, because the Tenants have already filed a T2 application (LTB-T-036614-25) and a T6 application (LTB-T-044794-25) and can raise those issues at those hearings. I note that those hearings are scheduled on their merits to be heard on August 4, 2026.
9. The Board's records also indicates that the Tenants had filed a T1 application (LTB-T-061330-25) which was already heard on January 12, 2026 and withdrawn on that date according to the order issued on January 16, 2026.
10. The costs requested by the Tenant are not costs that can be ordered pursuant to subsections 2, 3 and 4 of section 204 of the Act. Such costs are discretionary and the subsections under section 204 state that (2) the Board may order a party to an application to pay the costs of another party; (3) the Board may order that its costs of a proceeding be

paid by a party or the party's paid representative; and (4) the amount of an order for costs shall be determined in accordance with the Rules.

11. The Board's Interpretation Guideline 3 also outlines the instances of when costs may be ordered against a party which states that the Board may order a party to pay the costs of another party. Costs to a successful party for the preparation/representation fees paid to a legal representative are generally only awarded in cases of unreasonable conduct. Similarly, the Board will generally only allow costs for other expenses incurred by the successful party (e.g., travel, expert reports, etc.) where there has been unreasonable conduct by the opposing side.
12. Rule 23 of the Board's Rules sets out the criteria for Members to consider when determining the amount of costs to order. This amount is restricted to an amount not exceeding \$100 per hour for the services of a paid representative to a maximum of \$700.00. Rule 23.3 states that a party who engages in unreasonable conduct which causes undue delay or expense may be ordered to pay costs to another party.
13. The Tenant is not seeking costs for unreasonable conduct, they are seeking the return of funds already paid to the Landlord which they claim were collected illegally. The Tenants made no such submissions that would point to any unreasonable conduct in the proceedings. The Tenant repeatedly submitted that they were not opposed to the Landlords request to withdraw the applications.
14. I agree with the Landlord that the Tenant ought to have sought the reimbursement of the review request costs at the review hearing and they did not.
15. For all of the above reasons, the Tenants request for costs is denied.
16. Since the Landlord requested to withdraw their applications and the Tenants were not opposed to their request, I consent to the Landlords request to withdraw the applications.

It is ordered that:

1. The Landlords L1 and L2 applications are withdrawn.
2. The Tenants request for costs is dismissed.
3. The applications having been withdrawn, the LTB's file is now closed.

May 6, 2026
Date Issued

Terri van Huisstede
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.