



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-003163-26

In the matter of: 477416 3RD LINE
MELANCTHON ON L9V1T6

Between: Emily (Debbie) Fawcett Applicant

And

Robert Kevin Fawcett Respondents
Shelby Squirrell

Emily (Debbie) Fawcett (the 'Applicant') applied for an order to terminate the tenancy and evict Robert Kevin Fawcett and Shelby Squirrell (the 'Respondents') because the Respondents did not pay the rent that the Respondents owe.

This application was initially scheduled to be heard by videoconference on September 3, 2026. The matter was adjourned to April 17, 2026, and was subsequently adjourned to be completed on June 1, 2026.

The Applicant's legal representatives Paula Banhara and Zenabe Durant, the Respondents, and the Respondents' legal representatives Sarah Teal and Tanya Dickie attended the April 17, 2026, hearing date.

1. On May 15, 2026, the LTB received a request to withdraw from the Applicant's legal representative Zenabe Durant. No further details were provided with respect to the request to withdraw.
2. The Respondent's legal representative Sarah Teal uploaded an email exchange between the parties regarding the adjournment request to the Tribunals Ontario portal. Ms. Teal correctly indicates that the parties should be prepared to proceed on June 1, 2026, unless and until the Board consents to the withdrawal. Ms. Teal does not take a position with respect to the request to withdraw in the email but does note that the Respondents have raised preliminary issues and also that the Respondents intend to make costs arguments at the next hearing date.
3. While the withdrawal would preclude the opportunity for the Respondents to make submissions regarding the issue of costs – as raised at the previous hearing date – this alone is not sufficient justification to maintain the scheduled hearing date in light of the Applicant's request to withdraw.
4. The preliminary issues are moot if the Applicant is not pursuing the merits of the application. In my view, it is not an appropriate use of Board or party resources to hold a

hearing solely on the issue of costs. I note that no issues were raised by the Respondents under section 82 of the Act.

5. Given the above, I am not satisfied that the Respondents would be significantly prejudiced by the LTB consenting to the Applicant's request to withdraw. As such, the request to withdraw is granted.
6. The application having been withdrawn, the hearing date scheduled for June 1, 2026, shall be directed to be cancelled and the LTB's file is closed.

May 26, 2026
Date Issued

Jeremy Henderson
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.