



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-062575-25

In the matter of: basement, 43 CROWS NEST LANE
BOWMANVILLE ON L1C4A9

Between: Amy Booker Tenant

And

Ahmad Ei-Bakistany Landlord

Amy Booker (the 'Tenant') applied for an order determining that Ahmad Ei-Bakistany (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 20, 2026.

The Landlord the Landlord's representative Tigran Sandukhchyan and the Tenant attended the hearing.

Determinations:

1. At the hearing, the Tenant sought to withdraw the application and I consented to the request.

Costs

2. The Landlord requested an order for party costs against the Tenant in the amount of \$100.00 and Board costs in the amount of \$100.00 for each of the three court appearances in this matter. The Landlord submits that the Tenant knew or ought to have known their application had no merit, and therefore the hearing dates could have been avoided.
3. The Tenant disputes that costs should be awarded. She submits that she didn't realize there was no basis to make a T1 claim in this circumstances. Neither the previous Board of Members nor the Landlord's representative brought the issue up before this date.
4. I note the first hearing was not attended by the Tenant. The matter was dismissed. The review request was a natural justice determination and was granted. This hearing date is the first full hearing on the merits where any party has had an opportunity to address the merits. Therefore, in my view this is the first time there has been an opportunity for the Tenant to present and be told there is no merit to her application.

5. I note there was no evidence the Landlord's representative brought the issue up at the Tenant's T2 application Adjudicative Case Conference or reached out to the Tenant to discuss the issue prior to the hearing date. As noted by the Landlord, the review was not the place to raise the issue.
6. The Landlord cited a previous board decision LTB-L-00048-26 as persuasive. In that decision the Tenant was granted costs in the L1 application where a known and material issue was drawn out over several adjournments as the party who brought the application had no standing, which is unreasonable on its face. This decision is not binding on me, and also not on point. Both parties have standing in this case.
7. The Board's Interpretation Guidelines 3 states that when considering a request for costs against another party, costs are generally only awarded in cases of unreasonable conduct if it causes undue expense or delay. The enumerated list in that Guideline is not exhaustive but demonstrates examples of unreasonable behaviour. I note that bringing an application that results in a withdrawal, or a determination of no merit, does not appear on that list.
8. I am not persuaded that the Tenant's application was frivolous. While the T1 itself was the incorrect application, it would be improper to call it strictly without merit as the merits of the Tenant's claims were not considered by me in the hearing. Rather, I determined that the claims are not properly an unlawful rent claim. The Tenant has also filed a T2 application with the same issues claimed. The Tenant, when offered, voluntarily chose to withdraw the application. It was entirely reasonable that a non-legally trained party would file the improper application. I have considered that the first opportunity for the Tenant to know her application was incorrect, was at this hearing. I therefore cannot conclude there was any undue delay or expense.
9. In the present case therefore, absent unreasonable behaviour by the Tenant, I find costs inappropriate in the circumstances. The Landlord's request for costs is denied.

It is ordered that:

10. The application having been withdrawn, the LTB's file is closed.

May 27, 2026
Date Issued

Julie Broderick
Member, Landlord and Tenant Board

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