



Order under Section 69 Residential Tenancies Act, 2006

Citation: Shahriar v Dar, 2026 ONLTB 41104

Date: 2026-05-27

File Number: LTB-L-040835-25

In the matter of: Top Unit (Main FLR & 2nd FLR), 91 TITAN
TRAIL
MARKHAM ON L3S0E4

Between: Syed Golam Shahriar Landlord
Fiona Khalid

And

Waheed Dar Tenant
Mahtab Dar
Summera Sharif Dar
Haseeb Dar

Syed Golam Shahriar and Fiona Khalid (the 'Landlord') applied for an order to terminate the tenancy and evict Waheed Dar, Mahtab Dar, Summera Sharif Dar and Haseeb Dar (the 'Tenant') because of serious impairment of safety and substantial interference with reasonable enjoyment.

This application was heard by videoconference on May 19, 2026.

The Landlord Fiona Khalid, the Tenant Haseeb Dar, and the Tenant's representative Shahid Mirza attended the hearing.

Reasons:

1. This matter was first before me on July 21, 2025. After hearing evidence, I held that the Landlord had proved the grounds for eviction, and adjourned the matter to another date to hear evidence going to relief from eviction.
2. The matter came before me again on August 28, 2025. The parties requested, on consent, that it be adjourned because the Tenants were going to vacate on August 31, 2025. The Landlords stated that if the Tenants vacated, they would withdraw their application.
3. The Tenants vacated the unit, but the Landlords did not withdraw the application. It came before me again on May 21, 2026. At the hearing, the Landlords asked that the Tenants be ordered to pay their filing fee for the application.

4. I agree that the Landlords would normally be entitled to their filing fee as costs, since they proved, at the July 21, 2025 hearing, that the Tenants had contravened the RTA thus causing them to incur the filing fee.
5. However, the Landlords acted unreasonably in this proceeding by failing to withdraw their application after stating that they would withdraw it. Consequently, an extra hearing date was scheduled and the Tenants and their representative had to attend unnecessarily. The Landlord's conduct also warrants costs.
6. As both parties have engaged in conduct that warrants costs, I have exercised my discretion to decline to award costs to either party.
7. Because the tenancy has ended, the Landlords' application to terminate the tenancy is moot, and will be dismissed accordingly.

It is ordered that:

1. The Landlords' application is dismissed.

May 27, 2026
Date Issued

Dale Whitmore
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.