



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

File Number: LTB-L-097443-25-RV

In the matter of: APT 1, GROUND FLOOR, 4903 TRAFALGAR RD
BALLINAFAD ON N0B1H0

Between: JOHN BRAY Landlord
GAY MURFIN

And

MARY ANANIADIS Tenant
Apostolos McWatters

Review Order

The capitalized word "Landlord" and/or "Tenant" refer to all parties identified as each at the top of the order.

JOHN BRAY and GAY MURFIN (the 'Landlord') applied for an order to terminate the tenancy and evict MARY ANANIADIS and Apostolos McWatters (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-097443-25 issued on March 3, 2026.

On March 23, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 26, 2026, interim order LTB-L-097443-25-RV-IN was issued, staying the order issued on March 3, 2026.

This application was heard by videoconference on May 21, 2026.

Only the Tenant attended the hearing. I was satisfied that the Landlord had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 1:50 p.m.

Determinations:

1. The Tenant requested a review of the order based on not reasonably able to participate.
2. The Tenant testified they did not receive the N5 notice of termination, the application, the notice of hearing, or the order; they found out about the eviction when the Sheriff posted the Notice of Vacant Possession on the door
3. Based on the submissions made in the request and the uncontested testimony before me, I am satisfied the Tenant was not reasonably able to participate in the proceeding.
4. The Tenant requested costs against the Landlord for the Landlord not attending the hearing and not giving any advance notice of non-attendance. The Tenant requested \$97.49 for the expenses incurred for preparing for the hearing; \$42.26 and \$9.33 for photocopies to prove there was no damage, and \$45.90 for Purolator.
5. The Tenant's request for costs to be ordered based on the Landlord's non-attendance is granted. Guideline 3 sets out that if the party whom the costs are being ordered against, does not attend the hearing "without notifying the person affected with the intention to do so, provided that the failure to attend the hearing delayed the process unnecessarily or caused unnecessary expense to the other party".
6. It is logical that the Tenant would have incurred extra costs for attending today's hearing. If the Tenant had been advised that the Landlord would not be attending, then these costs would not be incurred. I find the requested amount of \$97.49 to be reasonable.

It is ordered that:

1. The request to review order LTB-L-097443-25 issued on March 3, 2026, is granted. The order is replaced with the following.
2. The Landlord's application is dismissed.
3. The Landlord shall pay costs in the amount of \$97.49 to the Tenant on or before June 6, 2026.
4. If the Landlord does not pay the Tenant the full amount owing on or before June 6, 2026, the Landlord will start to owe interest. This will be simple interest calculated from June 7, 2026, at 5.00% annually on the balance outstanding.
5. The interim order issued on March 26, 2026 is cancelled.

May 26, 2026
Date Issued

Diane Wade
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.