



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-052050-25

In the matter of: 443B MOODIE DR
Ottawa ON K2H8T6

Between: Mikas Agarwal Landlord

And

Judy MacPhee Tenant

Mikas Agarwal (the 'Landlord') applied for an order to terminate the tenancy and evict Judy MacPhee (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.

This application was heard by videoconference on October 22, 2025 and was adjourned to June 8, 2026. Only the Tenant's legal representative James Baker attended the hearing.

As of 1:15 p.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. However, the Landlord's legal representative submitted a Request to Withdraw the matter on June 7, 2026 at 8:43 p.m. by uploading it into the Board's record.

Determinations:

Request for Costs

1. The Tenant's legal representative sought the Board's consideration of awarding costs to the Tenant for their legal costs as associated with the preparation and attendance at the Board, noting that they were not advised about the intent to withdraw the matter prior to the hearing date of June 8, 2026.
2. Pursuant Board's Rules of Practice and the Board's Interpretation Guideline 3, a Member may order costs of the Board or the other party, where the conduct of the other party was unreasonable. Conduct is unreasonable if it causes undue expense or delay.

3. The Tenant's legal representative spent time preparing for, and then attending, both the prior hearing date and then the merits hearing. Even though the Landlord's legal representative submitted a request to withdraw, this was done as an upload in the Board's record on June 7, 2026 at 8:43 p.m. and without notice to the Tenant's legal representative.
4. The Tenant's legal representative submitted that the first time they became aware of the Landlord's intent was at the time of the hearing and the written request as in the Board's record confirms that neither the Tenant nor their representative were outlined as recipients of the request. Further, as there was no ability for the Board to respond to the request given the late submission, the Landlord ought to have attended the hearing to request that the matter be withdrawn.
5. Therefore, I find that as the Landlord failed to advise the Tenant of their intent to withdraw the matter, this created undue expenses for the Tenant by retaining a legal representative, their preparation and appearance at the hearing.
6. Consequently, I find that it is not unreasonable to impose costs of \$200.00 on the Landlord for the Tenant's incurred legal expenses.

L2 Application

7. Since the Landlord did not attend the hearing to support their application, I find that this application has been abandoned.

It is ordered that:

1. The Landlord's application is dismissed.
2. The Landlord shall pay to the Tenant \$200.00 costs on or before June 23, 2026.
3. If the Landlord does not pay the Tenant the full amount owing on or before June 23, 2026, the Landlord will start to owe interest. This will be simple interest calculated from June 24, 2026 at 4.00% annually on the balance outstanding.

June 12, 2026
Date Issued

Alicia Johnson
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.