



Order under Section 69 Residential Tenancies Act, 2006

Citation: Megardichian v Mackinnon, 2026 ONLTB 47767

Date: 2026-06-22

File Number: LTB-L-037101-26

In the matter of: 301, 317 QUEEN ST null
CHATHAM ON N7M2H7

Between: Megardich Megardichian Landlord

And

Brae Mackinnon Tenants
Catherine Jenkins

Megardich Megardichian (the 'Landlord') applied for an order to terminate the tenancy and evict Brae Mackinnon and Catherine Jenkins (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or a person the Tenants permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

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

This application was heard by videoconference on June 11, 2026.

The Landlord's legal representative A. Skinner, and the Tenants attended the hearing.

Determinations:

1. At the outset of the hearing, the Landlord's representative requested permission to withdraw the L2 application. The Tenants opposed the request and asked the Board to impose an administrative fine against the Landlord on the basis that the Landlord failed to provide evidence in support of the allegations and because the Tenants were required to prepare for the hearing and miss a day of work.
2. The Tenants further requested that the Landlord be declared a vexatious litigant on the basis of ongoing harassment, the fabrication of complaints, and the issuance of several notices of termination, including a recent N4 notice for non-payment of rent.

3. The Landlord's representative stated that she was retained on June 1, 2026, and was not acting for the Landlord when the notices were issued. The Landlord's representative submitted that she was awaiting on evidence from her clients, which was never received. As a result, the Landlord requested permission to withdraw the application on the basis that the notice was inaccurate and that the application would likely have been dismissed. The Landlord's representative further submitted that requests to withdraw applications are a common practice before the Board and that an administrative fine is not warranted in the circumstances.

4. Rule A8 of the Board's Rules of Procedure reads as follows:

A8.1 The tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

A8.2 Where the tribunal finds that a person has persistently instituted vexatious proceedings or conducted a proceeding in a vexatious manner, the tribunal may find that person to be a vexatious litigant and dismiss the proceeding as an abuse of process for that reason. It may also require a person found to be a vexatious litigant to obtain permission from the tribunal to commence further proceedings or take further steps in a proceeding.

5. There was no evidence before me to support the Tenants' allegation that the Landlord has instituted vexatious proceedings before the Board. A Landlord is entitled to issue notices of termination where grounds may exist under the Act. The issuance of notices of termination, in and of itself, does not render a landlord a vexatious litigant. If the Tenants believe that they are being harassed by the Landlord, they remain at liberty to file their own application with the Board.

6. With respect to the request for an administrative fine, the Board's Interpretation Guideline #16 on Administrative Fines says:

An administrative fine is a remedy to be used by the Board to encourage compliance with the *Residential Tenancies Act, 2006* (the "RTA"), and to deter landlords from engaging in similar activity in the future. This remedy is not normally imposed unless a landlord has shown a blatant disregard for the RTA and other remedies will not provide adequate deterrence and compliance.

7. The Tenants submitted that an administrative fine should be imposed because the Landlord failed to file evidence in support of their application, the Tenants were required to miss a day of work to attend the hearing, and the Landlord has issued numerous notices containing allegations that were not substantiated.

8. The Landlord's representative sought to withdraw the application on the basis that the N7 notice is inaccurate and because she had not been provided with evidence to support the allegations. In the circumstances, I find that the appropriate remedy is to permit the withdrawal of the application.

9. While I acknowledge that the application could have been withdrawn before the hearing date, I am not satisfied that the Landlord's last-minute request to withdraw the application was sufficiently egregious to warrant the imposition of an administrative fine. Although the withdrawal may have inconvenienced the Tenants, such prejudice would more appropriately be addressed through a request for costs. However, although given the opportunity to do so, the Tenants did not seek costs. Accordingly, no costs are being considered. The request for an administrative fine is denied.
10. The Landlord's request to withdraw the application is granted pursuant to subsection 200(2) of the *Residential Tenancies Act, 2006*.
11. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is withdrawn the LTB's file is closed.

June 22, 2026
Date Issued

Mayra Sawicki
Member, Landlord and Tenant Board

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