



**Order under Section 74(10)
Residential Tenancies Act, 2006**

File Number: LTB-L-004916-24-VO-SA

In the matter of: 2nd Floor, 2763 DUNDAS ST W
TORONTO ON M6P1Y4

Between: Christopher Benetatos Landlord

And

Alina Yakus Tenant

Christopher Benetatos (the 'Landlord') applied for an order to terminate the tenancy and evict Alina Yakus (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-004916-24 issued on April 1, 2026.

On April 30, 2026, the Tenant filed a motion to void the order issued on April 1, 2026 and the Board issued an ex parte order granting the Tenant's motion pursuant to subsection 74(6) of the *Residential Tenancies Act, 2006*.

On May 1, 2026, the Landlord filed a motion to set aside the void order issued on April 30, 2026.

The motion was heard by videoconference on June 16, 2026.

Only the Tenant attended the hearing.

As of 9:39am, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. Since the Landlord did not attend the hearing to support their motion, I find that this motion has been abandoned.
2. In reviewing the Board's records for this file, it appears that the Landlord filed a request to withdraw on May 14, 2026, which was not actioned by the Board in advance of the hearing. The Tenant was aware of this request to withdraw as she raised it at the beginning when she was signing into the videoconference.

3. The Tenant seeks costs in the amount of \$250.00 for having to attend the hearing as she had to take the entire day off work since her work does not allow for a half-day off, and had to spend two hours preparing for the hearing.
4. Further, the Tenant submits that the Landlord has a pattern of filing applications before the Board only to withdraw them at the hearing and references LTB file LTB-L-034537-24 where the Landlord withdrew the application at a hearing that the Tenant did not attend.
5. The Board's Interpretation Guideline #3 on costs speaks to circumstances where costs would be appropriate to order and states in part the following:

A Member has the discretion to require a party, a party's agent or a party's legal representative to pay, as costs, any representation or preparation expenses of another party where the conduct of the party, a party's agent or a party's legal representative was unreasonable. Conduct is unreasonable if it causes undue expense or delay and includes the following:

- Bringing a frivolous or vexatious application or motion;
 - Initiating an application or any procedure in bad faith;
 - Taking unnecessary steps in a proceeding;
 - Failing to take necessary steps, such as those required by the RTA or Rules;
 - Any misconduct at the hearing or in the proceeding;
 - Raising an issue which is irrelevant to the proceedings and continuing to pursue that issue after the Member has pointed out that it is irrelevant;
 - Asking for adjournments or delays without justification;
 - Failing to prepare adequately for the hearing;
 - Acting contemptuously toward the Member or showing a lack of respect for the process or the Board;
 - Failing to follow the directions of the Member or upsetting the orderly conduct of the hearing; and
 - Maligning another party or unreasonably slurring the character of the other party.
6. In this case, I am not satisfied that the circumstances warrant granting costs against the Landlord. I say this for the following reasons. First, the Landlord submitted a request to withdraw their motion at least one month before the hearing date; the Tenant was aware of this request – so I find it was not something that the Tenant only discovered at the hearing and did not have notice of beforehand.
 7. With respect to the allegation of a pattern of behaviour, while the term is not defined in the Act, it generally refers to a course of conduct with multiple incidents taking place over a period of time; LTB-L-034537-24 was withdrawn on November 18, 2024. The request to withdraw this application was submitted on May 14, 2026. I find the evidence is insufficient to establish that two instances of withdrawal requests in two years forms a pattern of behaviour that warrants granting costs against the Landlord. Therefore the request for costs is denied.
 8. 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 motion to set aside order LTB-L-004916-24-VO issued on April 30, 2026 is denied and the stay on is lifted immediately.
2. For greater clarity, order LTB-L-004916-24 issued on April 1, 2026, is void.

June 24, 2026
Date Issued

Sonia Anwar-Ali
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.