



Order under Sections 30 and 31 Residential Tenancies Act, 2006

File Number: LTB-T-004130-26

In the matter of: 1, 682 CONNAUGHT AVE
SUDBURY ON P3E3W6

Between: CARRIE-LYNN CUSSON Tenant

And

JIANG YUE QIU Landlord

CARRIE-LYNN CUSSON (the 'Tenant') applied for an order determining that JIANG YUE QIU (the 'Landlord'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home (T2 application).
- failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards (T6 application).

This application was heard by videoconference on April 2, 2026 and June 22, 2026.

The Tenant's Legal Representative, V. Matadeen, the Tenant, the Landlord's Legal Representative, A. Gravelle, the Landlord, and the Landlord's witnesses, S. Jordan and S. Davies, attended the hearing on April 2, 2026.

Only the Tenant, the Landlord's Legal Representative, A. Gravelle, the Landlord, and the Landlord's witnesses, S. Jordan and S. Davies, attended the hearing on June 22, 2026.

Determinations:

1. At the hearing, the Tenant requested an adjournment as she is not well, and needs additional time to speak/retain another legal representative. She submitted that she felt her prior legal representative misrepresented her, missed submitting important pieces of evidence and failed to subpoena a necessary witness. She also submitted that she has put in several requests and made several phone calls to legal representatives but has not connected with any of them.

2. The Landlord's Legal Representative opposed an adjournment. She submitted that the Tenant's Legal Representative went off record on April 30, 2026 and the Tenant has had ample time to speak with another legal representative. She also submitted that this matter has been on-going for some time and that the Landlord is ready to continue this hearing.
3. The request for an adjournment was denied. Today's hearing is a continuation of this matter from the previous hearing date of April 2, 2026. On that date, the Tenant's started providing testimony but was unable to complete it. The Tenant chose to terminate her legal representative and despite several calls and requests over the last seven weeks has not been able to retain a new representative. Given this I was not satisfied that an adjournment would change anything. The Tenant is present and ought to be aware of the issues in her application. If her chronic illnesses require her to take breaks during the hearing this can be accommodated.
4. After the adjournment was denied, the Tenant stated that she does not believe her application and evidence disclosed was sufficient to address her issues and there have been new issues since the filing of this application. She requested to withdraw this application in order to file a more complete one wherein she could also provide additional supporting evidence.
5. The Landlord's Legal Representative was not opposed to the withdrawal of this application but submitted that the timing of this request was unreasonable. She submitted that the Tenant could have withdrawn before today's date and as such costs for the Landlord's appearance today ought to be awarded. She requested costs of \$500.00 for their attendance today along with two witnesses who attended on both hearing dates.
6. I was satisfied that the Tenant understood the consequences of withdrawing her application at this time, including the one-year limitation period and the Landlord's request for costs. I was also satisfied that the Tenant preferred to reapply as she believes there are issues missing from this application and she does not want to be estopped from bringing those issues forward for a determination.
7. Given the above, I consented to the Tenant's request to withdraw this application without prejudice.
8. Pursuant to Guideline 3 of the *Landlord and Tenant Board's Interpretation Guidelines*, "the 'Guidelines') provides that in most cases, the only costs allowed will be the application fee if the applicant is successful. While the LTB may order a party to pay costs to another party, costs for the preparation/representation fees paid to a legal representative are generally only awarded in cases of unreasonable conduct. Conduct is unreasonable if it causes undue expense or delay and includes the following in part:
 - Taking unnecessary steps in a proceeding;
 - Failing to take necessary steps, such as those required by the RTA or Rules;
9. Rule 17.2 of the *Landlord and Tenant Board's Rules of Procedure* provides that an applicant may withdraw an application without the consent at any time before a hearing begins unless it is for an order that the landlord, superintendent or agent of the landlord

has harassed, obstructed, coerced, threatened or interfered with the tenant during the tenant's occupancy of the rental unit in which case it cannot be withdrawn without the consent of a Member or DRO.

9. There are allegations of harassment and threats by the Landlord in this application. Therefore, in accordance with Rule 17.2 this application could not be withdrawn without the consent of a Member or a DRO. The Tenant no longer has legal representation, I was satisfied that given this she would not have the knowledge or information to contact a DRO in advance of today's date to seek a withdrawal of this application.
10. I was also satisfied that it was only at this hearing that the Tenant fully understood her options. As such, I find that she has not failed to take necessary steps in a proceeding or taken any unreasonable steps. Therefore, I do not find that her conduct was unreasonable. There is no dispute that the Landlord was inconvenienced by attending today's hearing and the previous hearing, and most likely incurred costs to have a legal representative. However, unless a party's conduct in a proceeding is unreasonable these types of costs are generally not ordered to be paid by one party to another as per the *Guidelines*.

It is ordered that:

11. The application is withdrawn.

June 26, 2026
Date Issued

Lisa Del Vecchio
Member, Landlord and Tenant Board

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