



**Order under Section 78(11)
Residential Tenancies Act, 2006**

Citation: 9684018 Canada Inc. v Ashley Hargan, 2023 ONLTB 35866

Date: 2023-05-09 **File Number:**
LTB-L-080283-22-SA

In the matter of: 7878 Yonge Street
Innisfil ON L9S1L4

Between: 9684018 Canada Inc. Landlord

And

Ashley Hargan and Paul Gallant Tenant

9684018 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Gallant and Paul Gallant (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on October 13, 2022 with respect to application LTB-L003818-22.

The Landlord's application was resolved by order LTB-L-080283-22 issued March 28, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-080283-22.

This motion was heard in videoconference (VC#101) on April 17, 2023.

The Landlord's representative, Donald Cameron, the Landlord, Rachel Lapine and the Tenants attended the hearing.

Preliminary Issue:

1. The Tenant Ashley Hargan informed the Board that she was improperly identified in the Landlord's L4 filing as Ashley Gallant, the name was amended accordingly.

Determinations:

2. The Tenants vacated the rental unit on January 31, 2023 in accordance to the previous Board order LTB-L-003818-22. The Tenants motion is now moot.
3. At the hearing, the Landlord's legal representative requested representation costs in the amount of \$500.00 because the Tenants filed a motion to set aside on March 29, 2023 and proceeded to hearing while they had already vacated the rental property, this deemed as an abuse of process.

Order Page: 1 of 2

File Number: LTB-L-080283-22

4. In accordance with Rule 23 of the Landlord and Tenant Board's Rules of Practice and the Board's Interpretation Guideline 3, a Member may order costs where the conduct of the party was unreasonable. Conduct is unreasonable if it causes undue expense or delay.
5. In the case before me, the Tenants filed the motion to set aside as they wanted to make submissions with respect to the circumstances giving rise to the Landlord's L4 application filing. Based on the submissions of the Tenants, I am more persuaded that they did not have any intention to cause undue expense or delay for the Landlord, this is a case of the Tenants not having a sound understanding of the Board's processes and ramifications of their filing.
6. On that basis, the Landlord's request for representation costs is denied.

It is ordered that:

1. The motion to set aside Order LTB-L-080283-22 issued on March 28, 2023, is denied.
2. Order LTB-L-080283-22 is unchanged.

May 9, 2023

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.

