



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Whing v Gonyea, 2023 ONLTB 17632

Date: 2023-01-26

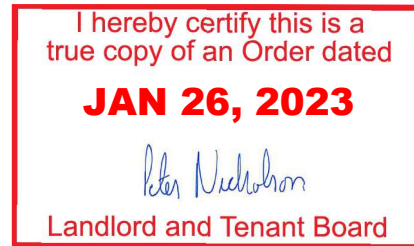
File Number: LTB-L-008403-22-RV-IN

In the matter of: Basement, 255 Glebemount Avenue
East York ON M4C3T7

Between: Lloyd Whing

And

Craig Gonyea



Landlord

Tenant

INTERIM ORDER

On January 23, 2023, Lloyd Whing (the "Landlord") requested that order LTB-L-008403-22 issued on January 17, 2023 be reviewed and that the order be stayed until the Landlord's request to review the order is resolved.

Determinations:

1. In the review request the Landlord claims the order contains a serious error and that the Landlord was not able to participate in the proceedings because the Landlord and the Landlord's representative did not receive a notice of hearing.
2. The matter is directed to a review hearing to determine whether the Landlord was reasonably able to participate in the proceedings.
3. In order to preserve the rights of the Landlord until the review is resolved, the order should be stayed. An order cannot be enforced while it is stayed.
4. Should the review be granted, a new hearing will be held on the merits of the application.
5. A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Landlord.

It is ordered that:

1. Order LTB-L-008403-22 issued on January 17, 2023 is stayed until otherwise ordered.
2. The LTB shall schedule a hearing of the Landlord's request to review.



3. Should the review be granted, the application shall be immediately directed to a new hearing. The parties are directed to come prepared to proceed on the merits of the application.
4. As soon as possible and no later than **seven days** prior to the hearing, the Tenant and the Landlord shall give to the other and file with the Board a copy of any document, photograph, receipt, recording or like thing upon which they intend to rely at the hearing. Filing with the Board may be done by e-mail to LTB.evidence@ontario.ca.
5. If possible, the parties shall exchange information by email. For service where email is not available or for any other necessary communication, the parties must respect social distancing measures required by public health in the service and filing of all documents.
6. If you are the Tenant and wish to obtain some legal advice **PRIOR** to your hearing, you can access Tenant Duty Counsel by calling 1-877-374-0391. Please note: Tenant Duty Counsel must be contacted in advance as there is no guarantee that they will attend each specific hearing. Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the Board.
7. Pursuant to Rule 19.7 of the Board's Rules, a party who does not comply with an order for disclosure may not be permitted to rely on any evidence not properly disclosed.

January 26, 2023
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

15 Grosvenor Street, 1st 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.