



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

Citation: Elm Place Inc v Jones, 2024 ONLTB 8908

Date: 2024-02-26

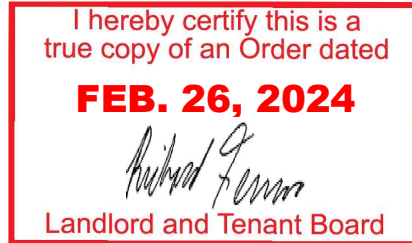
File Number: LTB-L-083824-23-RV-IN

In the matter of: 406, 12 GOLDFINCH CRT
NORTH YORK ON M2R2C4

Between: Elm Place Inc

And

Bradford Jones



Landlord

Tenant

INTERIM ORDER

On February 23, 2024, Bradford Jones (the 'Tenant') requested that order LTB-L-083824-23 issued on January 30, 2024 be reviewed and that the order be stayed until the Tenant's request to review the order is resolved.

Determinations:

1. The Tenant alleges that they were not reasonably able to participate in the proceeding because they were hospitalized on the hearing date.
2. In order to preserve the rights of the Tenant until the review is resolved, the order should be stayed. An order cannot be enforced while it is stayed.
3. Subject to the presiding Member's discretion, the issue to be determined is whether the Tenant was reasonably able to participate in the proceeding.
4. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
5. Should the review be granted, a new hearing will be held on the merits of the original application.
6. A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Tenant.

It is ordered that:

1. Order LTB-L-083824-23 issued on January 30, 2024 is stayed until otherwise ordered.

2. The LTB shall schedule a hearing of the Tenant's request to review.
3. The parties are directed to attend the hearing and be prepared to proceed on the merits of the original application should the review request be granted.
4. The parties are directed to give to each other and to the LTB any evidence that relates to the review request and the original application no later than **seven** days before the hearing. This includes any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing.
5. Parties may give disclosed material to the LTB by uploading the material to the Tribunals Ontario Portal ('TOP'). Uploading material to TOP does not constitute disclosure to the other party unless the parties have agreed in writing to exchange documents via TOP. Parties may also file material with the LTB by email. The LTB's e-mail address is ltb.evidence@ontario.ca.
6. Pursuant to Rule 19.7 a party who fails to comply with an order for disclosure may not be permitted to rely on evidence that is not properly disclosed.
7. If the order has been or is enforced, the Landlord shall not re-rent the rental unit and the Landlord shall keep and safeguard the Tenant's personal property until the request to review the order is resolved. This order does not prevent the Landlord from returning possession of the rental unit to the Tenant prior to the review hearing, however this order does not require the Landlord to return possession of the rental unit to the Tenant prior to the review hearing.

February 26, 2024
Date Issued



Richard Ferriss
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.