



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

Citation: Galvao v Houle, 2023 ONLTB 25889

Date: 2023-03-28

File Number: LTB-L-003579-23-RV-IN / LTB-L-027737-22 -IN

In the matter of: 4, 263 Clyde Road
Cambridge ON N1R1L3

Between: George Galvao
Paula Galvao

And

Gordon Houle

I hereby certify this is a
true copy of an Order dated
MAR 28, 2023
Landlord and Tenant Board

Landlord

Tenant

INTERIM ORDER

On March 7, 2023, the Landlord requested that order LTB-L-003579-23 issued on March 7, 2023, be reviewed.

Determinations:

File # LTB-L-027737-22

1. On May 17, 2022 the Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not pay the rent that the Tenant owes (File # LTB-L-027737-22)
2. On September 20, 2022 the parties filed a written out-of-court payment plan agreement that included payments for arrears and ongoing rent.
3. On November 18, 2022, the Board issued an order under section 206 of the Residential Tenancies Act, 2006 resolving the Landlord’s application and requiring the Tenant to pay arrears of rent in six (6) installments during the months of September 2022 and October 2022, and to pay the on-going rent for September 2022 and October 2022 on or before the first day of the month. The order also provides that if the Tenant fails to comply with these requirements, the Landlord may, without notice to the Tenant and within 30 days of the breach, apply to the Board pursuant to section 78 of the *Residential Tenancies Act, 2006* for an order terminating the tenancy and evicting the Tenant (the “**November 18 Order**”).

File # LTB-L-003579-23

4. The Landlord claims that on November 22, 2022, the Landlord sent, by mail, an L4 application to the Board for an order terminating the tenancy and evict the Tenant because the Tenant failed to pay rent on October 1, 2022.
5. On March 7, 2023, the Board issued an order dismissing the Landlord's L4 Application order on the basis more than 30 days has passed since the date of breach (the "**March 7, 2023 Order**").
6. On March 13, 2023, the Landlord filed a request to review the March 7 Order, claiming the delay in issuing the November 18 Order (File # LTB-L-027737-22) prejudiced the Landlord's enforcement efforts.
7. The matter is directed to a review hearing to determine whether there was a serious error in the order or the proceedings. Subject to the presiding Member's discretion, the issue to be determined is whether the Landlord's L4 enforcement efforts were prejudiced/rendered impossible due to Board delay.

It is ordered that:

8. The LTB shall schedule a hearing of the Landlord's request to review.
9. Should the review be granted, the Landlord's L1 application (File # LTB-L-027737-22) shall be immediately directed to a first instance hearing.
10. 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.
11. 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.
12. 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.



March 28, 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.