



I hereby certify this is a  
true copy of an Order dated

**DEC 7, 2023**

Landlord and Tenant Board

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

**File Numbers:** LTB-L-055730-23-SA-BIR-IN  
LTB-L-055852-23-BIR2-IN

**In the matter of:** 208, 4075 Old Dundas Street  
York ON M6S2R7

**Between:** Granview Property Management  
Tony Tam

Landlords

**And**

Christopher Michaels

Tenant

**BOARD INITIATED REVIEW INTERIM ORDER**

Rule 26.3 of the Board's Rules of Procedure permits the Board to initiate a review of an order on the Board's own initiative. In the circumstances it is appropriate to hold a review hearing to determine whether a serious error occurred in the proceedings that resulted in Board order LTB-L-055730-23-SA/LTB-L-055852-23-RV, issued on November 3, 2023.

**Determinations:**

1. On or about July 17, 2023, the individual Landlord in this application applied to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order to terminate the tenancy and evict the Tenant because the Tenant did not comply with a condition set out in Board order LTB-L-027115-22, issued on July 5, 2023. The Landlord in the July 5, 2023 order is a corporation; not the individual Landlord who filed the application under section 78 of the Act. The Landlord's application under s.78 of the Act was resolved by Board hearing order LTB-L-055852-23, issued on September 25, 2023.
2. On or about July 28, 2023, the corporate Landlord and the individual Landlord applied under section 78 of the Act for an order to terminate the tenancy for the same alleged breach identified in the individual Landlord's July 17, 2023 application to the Board. That application resulted in *ex parte* Board order LTB-L-055730-23, issued on August 17, 2023.
3. On August 25, 2023, the Tenant filed a motion to set aside the *ex parte* eviction order LTB-L-055730-23. The set aside motion was heard on October 12, 2023.
4. On October 11, 2023, the Board initiated a review of order LTB-L-055852-23 because of the possible serious error resulting from the duplicate applications. There is no indication in the Board Initiated Review interim order that the Board Initiated Review would be heard with the set aside motion. There is no direction in either of the Board's files indicating that these matters would be heard together.

5. On October 12, 2023, the Board heard both the Tenant's set aside motion for order LTB-L-055730-23 and the Board Initiated Review of order LTB-L-055852-23. The Tenant did not attend the hearing. On November 3, 2023, the Board issued order LTB-L-055730-23-SA/LTB-L-055852-23-RV, which denies the Tenant's set aside motion and grants the Board Initiated Review. This order lifts the stay on order LTB-L-055730-23 and cancels order LTB-L-055852-23.
6. On October 16, 2023, despite the order of November 3, 2023, the Board scheduled another hearing for the Board Initiated Review of order LTB-L-055852-23 for November 21, 2023.
7. Both parties attended the Board Initiated Review hearing on November 21, 2023. The hearing was adjourned due to lack of sufficient time in the hearing block.
8. On December 6, 2023 the Tenant was evicted by the Sheriff, presumably by enforcement of order LTB-L-055730-23.
9. This matter is directed to a further Board Initiated Review hearing to determine whether a serious error or an abuse of process occurred in the proceedings that resulted in Board order LTB-L-055730-23-SA/LTB-L-055852-23-RV, issued on November 3, 2023. Particular issues with the proceedings include: was the Tenant not reasonably able to participate in the hearing that took place on October 12, 2023; and did the duplicate proceedings cause confusion that has prejudiced either party?
10. In order to preserve the rights of the Tenant until the review is resolved, order LTB-L-055730-23 should be stayed. An order cannot be enforced while it is stayed. Also, the Landlord will be ordered to preserve the Tenant's belongings and not to rent the unit to anyone else.
11. Should the review be granted, a new hearing may be held on the merits of the Tenant's set aside motion.

**It is ordered that:**

1. Order LTB-L-055730-23 issued on August 17, 2023 is stayed until otherwise ordered.
2. The Landlord shall not re-rent the rental unit to anyone else until otherwise ordered. Nothing in this order prevents the Landlord from restoring the tenancy in the absence of a hearing or Board order.
3. The Landlord shall not dispose of, damage, or otherwise interfere with any of the Tenant's belongings that are located in the rental unit or the residential complex until otherwise ordered. Nothing in this order prevents the Landlord from giving the Tenant any of his possessions at the request of the Tenant.
4. The LTB shall schedule a hearing of this Board Initiated review on an expedited basis.
5. The parties are directed to attend the hearing and be prepared to proceed on the merits of the original set aside motion should the review request be granted.

6. The parties are directed to give to each other and to the LTB any evidence that relates to the Board Initiated Review and the Tenant's set aside motion 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.
7. 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](mailto:ltb.evidence@ontario.ca).
8. 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.

**December 7, 2023**  
**Date Issued**



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Renée Lang  
Vice Chair, 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.