



**Order under Section 16.1 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006**

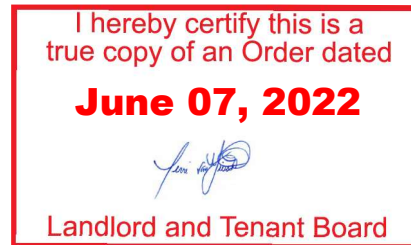
**File Number:** LTB-L-008403-22-IN

**In the matter of:** Basement, 255 Glebe Mount Avenue  
East York ON M4C3T7

**Between:** Lloyd Whing

**And**

Craig Gonyea



Landlord

Tenant

**INTERIM ORDER**

Lloyd Whing (the 'Landlord') applied for an order to terminate the tenancy and evict Craig Gonyea (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on June 2, 2022. The Landlord, the Landlords Legal Representative, Christina Nastas, the Tenant and the Tenants Agent, David Mandel, attended the hearing. The Tenant spoke with Tenant Duty Counsel on the hearing date.

**Preliminary Issue – Adjournment Request**

1. The Tenant requested an adjournment because they indicated that their legal representative had withdrawn from representation the week before the hearing and they were not prepared to proceed without a legal representative because of their limited cognitive abilities. The Tenant alleged that they did not understand the case to be met and that this was the reason that the representative withdrew.
2. The Landlord was opposed to the request due to the prejudice to the Landlord needing possession of the rental unit and also due to the fact that the Tenant had previously requested an adjournment to obtain legal counsel on November 23, 2021 for their Tenant files under TST-11445-19 and TST-10175-19.
3. I permitted the adjournment on the basis that the Tenant may not be able to fully participate as they alleged without the assistance of a legal representative. The next hearing will be peremptory on the Tenant and the Tenant shall provide supporting documentation that they had legal counsel and they withdrew at the last moment.

4. The Landlords legal representative sent the Tenant the L2 application during the hearing in order to ensure they received it.

**It is ordered that:**

1. I am not seized of the matter.
2. The hearing shall be adjourned to the next available date to be set by the Board.
3. The next hearing date will be peremptory on the Tenant.
4. The Tenant shall file with the Board their documentary evidence from their legal representative that withdrew from representative the week of May 23, 2022. The Tenant shall provide this by no later than June 15, 2022 to both the Landlord and the Board.
5. The parties shall disclose all of their evidence on each other and file the same with the Board by no later than June 30, 2022.
6. Pursuant to Rule 19.7 of the Board's Rules of Practice a party that does not comply with an order for disclosure may not be permitted to rely on any evidence not properly disclosed.

**June 7, 2022**  
**Date Issued**



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Terri van Huisstede  
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.