



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

Citation: McNinch v Arlt, 2024 ONLTB 4967

Date: 2024-02-08

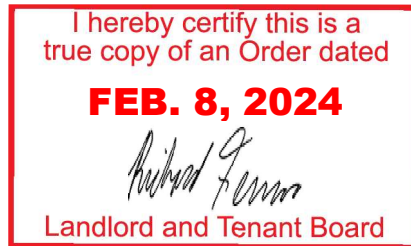
File Number: LTB-L-051948-22-RV-IN

In the matter of: 95 Tanner Street
Gananoque Ontario K7G2P3

Between: Dennis McNinch

And

Rebecca Arlt



Landlord

Tenant

INTERIM ORDER

On February 6, 2024, Rebecca Arlt (the 'Tenant') requested that order LTB-L-051948-22 issued on January 18, 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 the order contains a serious error.
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:
 - Was it a serious error to find that the rent lawfully increased to \$986.00 on January 1, 2023?
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-051948-22 issued on January 18, 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.

February 8, 2024
Date Issued



Richard Ferriss
Member, Landlord and Tenant Board

15 Grosvenor Street, 1st Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.