



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

**Citation:** The District Municipality of Muskoka v Newell, 2024 ONLTB 11902

**Date:** 2024-02-07

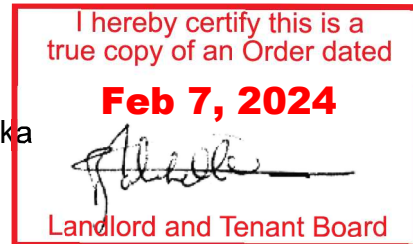
**File Number:** LTB-L-092525-23-IN

**In the matter of:** 827 PINEDALE RD  
GRAVENHURST ON P1P1L3

**Between:** The District Municipality of Muskoka

**And**

Jennifer Newell



Landlord

Tenant

### INTERIM ORDER

The District Municipality of Muskoka (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Newell (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on May 23, 2023 mediated settlement signed by the parties on May 23, 2023 with respect to application LTB-L-032183-23.

This application was decided without a hearing being held.

The Board issued ex parte order LTB-L-092525-23 on December 7, 2023.

On January 25, 2024 the Tenant submitted a set aside motion and a request to extend time to file the set aside motion.

The request to extend time was granted and the Board issued a Notice of Hearing and stay of order LTB-L-092525-23 issued on December 7, 2023 on January 25, 2024.

#### Determinations:

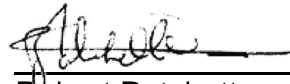
1. It is alleged that before the Board issued the Notice of hearing and Stay of the order LTB-L-092525-23 on January 25, 2024, that the Sheriff enforced the order issued on December 7, 2023.
2. The Tenant has requested a restoration order, or in the alternative a preservation order.
3. It would be inappropriate for the Board to issue a restoration order, on an ex parte basis particularly where a Board order has been lawfully enforced. The Tenant may consider seeking a restoration order from the Divisional Court.

4. It would be fair in all the circumstances to grant the request for a preservation order, particularly noting in the request that the Landlord has agreed not to rent out the rental unit or dispose of any items belonging to the Tenant. Therefore, an order shall issue to preserve the tenancy pending a final determination of the issues.
5. The Board has scheduled a motion hearing to consider the set aside motion on March 11, 2024.

**It is ordered that:**

1. The Landlord shall not re-rent the rental unit until this application is heard or the Board orders otherwise. Nothing in this order prevents the Landlord from restoring the Tenancy in the absence of a hearing or Board order.
2. The Landlord shall preserve and keep safe any property belonging to the Tenant that is in the Landlords' control. Nothing in this order prevents the Landlord from giving to the Tenant any of their possessions at the request of the Tenants.
3. The parties will have until not later than 2 days prior to the hearing to give to the other and file with the Board a copy of any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing. All submissions must be uploaded on the Tribunals Ontario Portal (TOP) online.
4. The parties may also consent in writing to exchange of documents using the online TOP portal.

**February 7, 2024**  
**Date Issued**



\_\_\_\_\_  
Robert Patchett  
Vice Chair, 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.

