



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

Citation: Barkhordarian v Plaskitt, 2024 ONLTB 14777

Date: 2024-02-20

File Number: LTB-L-021861-23-RV-IN

In the matter of: BASEMENT, 157 CHERRYWOOD DR
NEWMARKET ON L3Y2X6

Between: Bita Barkhordarian
Farzad Jahanshah

And

Becki-Ann Plaskitt

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

FEB. 20, 2024

Landlord and Tenant Board

Landlord

Tenant

INTERIM ORDER

On February 14, 2024, Becki-Ann Plaskitt (the 'Tenant') requested that order LTB-L-021861-23 issued on January 15, 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 and that they were not reasonably able to participate in the proceeding.
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. In addition, order LTB-L-005541-24 issued on February 5, 2024 and amended order LTB-L-005541-24-A0 issued on February 20, 2024 are also stayed as they are ex parte orders alleging a breach of the order under review.
4. Subject to the presiding Member's discretion, the issues to be determined are:
 - a) did the Member fail to comply with section 82(1) by issuing an order on the L1 application without resolving the Tenant applications that were scheduled to be heard with the L1 application;
 - b) was the Member's exercise of discretion, particularly with respect to timing, outside the range of reasonable, acceptable outcomes; and
 - c) did the Member err by implementing relief from eviction without receiving submissions from the Tenant on the nature and form of the relief.

5. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
6. Should the review be granted, a new hearing will be held on the merits of the original application.
7. 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-021861-23 issued on January 15, 2024 is stayed until otherwise ordered.
2. Order LTB-L-005541-24 issued on February 5, 2024 and amended order LTB-L-005541-24-A0 issued on February 20, 2024 are also stayed until otherwise ordered.
3. The LTB shall schedule a hearing of the Tenant's request to review.
4. 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.
5. 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.
6. 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.
7. 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 20, 2024
Date Issued



Richard Ferriss
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.