



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

Citation: Sidhu v Ranger, 2023 ONLTB 51576

Date: 2023-07-14

File Number: LTB-L-019046-23

In the matter of: 454 Rideau Road
Ottawa ON K4M0E2

Between: Rajender Sidhu and Tejinder Sarao

And

Elicia Connie Ranger

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

Jul 14, 2023

Landlord and Tenant Board

Landlords

Tenant

Rajender Sidhu and Tejinder Sarao (the 'Landlords') applied for an order to terminate the tenancy and evict Elicia Connie Ranger (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 22, 2023. The Landlord, R. Sidhu, the Landlords' legal representative, A. Kouri, and the Tenant attended the hearing.

This application was adjourned at the Tenant's request. This interim order is being issued to ensure the parties are aware of their obligations before the next hearing date.

1. The Tenant requested an adjournment as she filed an application that is directly related to the Landlords' application, which she had filed before the Landlords filed the application presently before the Board. She submits that the application is regarding a T1, T2 and T6 and the amount plead in the application should be offset against the arrears. When asked why she did not raise this with the Board or the Landlord before the hearing, she stated that when she received the Notice of Hearing, she was dealing with a family issue as her sister got sick and passed away.
2. The Landlords objected to the adjournment request as the arrears are not contested and if the Tenant intended to proceed on her application, she should have provided the Landlords with advanced notice.
3. I granted the Tenant's adjournment request so that the Tenant can properly raise the issues in her Tenant application pursuant to section 82 of the *Residential Tenancies Act, 2006* (the 'Act'). I am satisfied that the Tenant did not do this because of her family circumstances were such that she did not know she had to raise them before the hearing. As such, this matter will be adjourned.
4. To minimize prejudice to the Landlords, the Tenant is ordered to pay the rent in full and time before the matter returns. If the Tenant fails to do so, the Board can refuse to consider the

Tenant's evidence or submissions. The Tenant was provided an oral direction to do so at the hearing.

5. In addition, the Tenant will properly raise and file her issues and evidence pursuant to section 82 of the Act. If the Tenant fails to do so, the Board can consider these issues not disclosed and proceed with the Landlord's application. The Board can also consider costs for failing to do so. When the application is resolved with the section 82 issues, the Tenant can withdraw her Tenant application as the issues would be res judicata, or already decided.

It is ordered that:

1. The matter is adjourned to a date to be decided by the Board.
2. As soon as possible and no later than **seven days** prior to the hearing, the Tenant and the Landlords shall give to the other and file with the Board a copy of any document, photograph, receipt, recording or like thing upon which they intend to rely at the hearing. Filing with the Board may be done by e-mail to LTB.evidence@ontario.ca.
3. The Tenant shall raise issues in the tenancy pursuant to section 82 of the Act in accordance with the disclosure requirements found in section 82 of the Act and Rule 19 of the Board's Rules of Procedure. If the Tenant fails to do so, the Board may refuse to consider her evidence or submissions.
4. If possible, the parties shall exchange information by email. For service where email is not available or for any other necessary communication, the parties must respect social distancing measures required by public health in the service and filing of all documents.
5. If you are the tenant and wish to obtain some legal advice **PRIOR** to your hearing, you can access Tenant Duty Counsel by calling 1-877-374-0391. Please note: Tenant Duty Counsel must be contacted in advance as there is no guarantee that they will attend each specific hearing. Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the Board.
6. Pursuant to Rule 19.7 of the Board's Rules, a party who does not comply with an order for disclosure may not be permitted to rely on any evidence not properly disclosed.
7. The Tenant shall pay the monthly rent in full and on or before the first day of the month, commencing July 1, 2023 and continuing until the present applications are fully resolved. If the Tenant does not comply, the Board may refuse to consider the Tenant's evidence and submissions.
8. I am not seized of this matter.

July 14, 2023
Date Issued



Camille Tancioco
Member, Landlords and Tenant Board

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