



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

Citation: Johnston v Barr, 2023 ONLTB 82342

Date: 2023-12-29

File Number: LTB-L-066186-23-RV-IN

In the matter of: Apartment 1, 159 XAVIER ST
RENFREW ON K7V1L3

Between: Tanner Johnston

And

Alyssa Barr

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

DEC 29 2023


Landlord and Tenant Board

Landlord

Tenant

INTERIM ORDER

On December 19, 2023 Alyssa Barr (the 'Tenant') requested that order LTB-L-066186-23 issued on November 29, 2023 be reviewed and that the order be stayed until the Tenant's request to review the order is resolved.

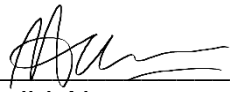
Determinations:

1. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
2. Subject to the reviewing member's discretion, the issues to be determined at the review hearing are:
 - a. Whether the hearing member made unreasonable findings of fact on a material issues which would potentially change the result of the order.
 - b. Whether the hearing member's interpretation of subsections 61(1) and 64(1) of the *Residential Tenancies Act, 2006* (the 'Act') is clearly wrong and unreasonable given the evidence adduced at the hearing.
3. Should the review be granted, a new hearing will be held on the merits of the original application.
4. 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.
5. 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.

It is ordered that:

1. Order LTB-L-066186-23, issued on November 29, 2023, 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. 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.

December 29, 2023
Date Issued



Khalid Akram
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.