



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

Citation: Hwang v Chang, 2024 ONLTB 15576

Date: 2024-02-23

File Number: LTB-L-000386-23-RV2-IN

In the matter of: Basement Room, 53 Bartley Dr
North York ON M4A2V7

Between: Soonhee Hwang

And

Paul Chang

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

FEB 23 2024

Landlord and Tenant Board

Landlord

Tenant

INTERIM ORDER

On February 22, 2024 the Landlord requested that order LTB-L-000386-23 issued on February 21, 2024 be reviewed and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Landlord submits in the review request that the February 21, 2024 order contains a serious error. The Landlord submits the presiding Member erred by finding the Landlord filed the application under section 69 of the *Residential Tenancies Act, 2006* (the 'Act') on March 1, 2023. Were the parties afforded an opportunity to address this matter at the hearing?
2. In order to preserve the rights of the parties until the review is resolved, the February 21, 2024 order should be stayed.
3. The matter is directed to a review hearing to determine whether the request to review should be granted or denied. At the hearing, the Board may consider whether a serious error exists in the order, and/or any other issue the Board considers relevant.
4. Should the review be granted, a new hearing will be held on the merits of the original application.
5. A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Landlord.

It is ordered that:

1. Order LTB-L-000386-23 issued on February 21, 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 23, 2024
Date Issued

Harry Cho
Vice Chair, 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.