



I hereby certify this is a true copy of an Order dated
APR 09, 2024
Landlord and Tenant Board

**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Monterroza v Matthews, 2024 ONLTB 24453

Date: 2024-04-09

File Number: LTB-L-091493-23

In the matter of: 19 SINCLAIR ST
GUELPH ON N1L1S1

Between: Juan Monterroza Landlord

And

Christine Matthews Tenant
Wayne Bradbury
Robyn aka Roberta Matthews

Juan Monterroza (the 'Landlord') applied for an order to terminate the tenancy and evict Christine Matthews, Wayne Bradbury and Robyn aka Roberta Matthews (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 6, and February 22, 2024.

The Landlord's Representative, Brittany Colley, the Landlord and the first-named Tenant attended the hearing.

Determinations:

Tenant Bankruptcy

1. At the February 6 hearing, the Tenant stated that she had declared bankruptcy, however, the paperwork would not be available until February 9, 2024. The matter was adjourned for a short period of time. An interim order (LTB-L-091493-23-IN) was issued ordering the Tenants to pay any new rent that came due before the next hearing.
2. At the hearing on February 22, 2024, the Tenant was unable to provide the documents to prove that they had declared bankruptcy. The Tenant submitted that the bankruptcy was being redrafted to include rent that came due on February 15, 2024, and that the paperwork would not be available for a few more days.
3. Since the Tenant had not satisfied the Board that bankruptcy had been declared, and since the Tenant breached the interim order, the hearing proceeded with only the Landlord's evidence. At the hearing, the Board found in favour of the Landlord.
4. A post-hearing submission was made to the Board on March 4, 2024, by the Tenant. The documentation submitted was the bankruptcy documents required to prove the bankruptcy. The documentation was dated for March 4, 2024, which means that rent that came due as

of February 15, 2024, would be covered in the bankruptcy. This means that all arrears up to and including the date of the hearing would be addressed in the bankruptcy documentation.

5. Section 69.3 of The *Bankruptcy and Insolvency Act*, R.S.C. 1985 (the BIA) states:

69.3 (1) Subject to subsections (1.1) and (2) and sections 69.4 and 69.5, on the bankruptcy of any debtor, no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy.

6. The BIA under section 69.3 causes an automatic stay in proceedings when there has been an assignment in bankruptcy. As a result, I find that the application, LTB-L-091493-23 was stayed when the Tenant made an assignment into bankruptcy on March 4, 2024. Therefore, the LTB has no jurisdiction to order termination and payment of arrears for any arrears up to and including March 4, 2024.


7. As a result of the receipt of these post-hearing documents, the Board is satisfied that the Tenant's bankruptcy is valid. Therefore, the Board must cancel the verbal decision made at the hearing on February 22, 2024, and, pursuant to section 69.3 of the BIA, must stay these proceedings.

8. Any arrears that accrue after March 4, 2024, may be claimed by the Landlord under a separate notice and application to the Board, however any claim for any arrears before March 4, 2024, would render the notice invalid.

It is ordered that:

1. The proceeding commenced under file LTB-L-091493-23 has been stayed as a result of the Tenant's bankruptcy filing pursuant to the *Bankruptcy and Insolvency Act*. That application is stayed until the Court otherwise decides or until the Tenant is discharged from bankruptcy.

April 9, 2024
Date Issued



Robert Brown
Member, Landlord and Tenant Board

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