



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Shah v Newell, 2023 ONLTB 70993

Date: 2023-10-27

File Number: LTB-L-071049-23-SA

LTB-L-062392-23-SA

In the matter of: 868 ELLIOTT ST E
WINDSOR ON N9A3S7

Between: Binish Shah
Biraju Doshi
Chintan Patel
Dhaval Petrolwala



Landlords

And

Jennifer Newell

Tenant

Binish Shah, Biraju Doshi, Chintan Patel and Dhaval Petrolwala (the 'Landlords') applied for an order to terminate the tenancy and evict Jennifer Newell (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on June 29, with respect to application LTB-L-011367-23.

The Landlords' applications were resolved by order LTB-L-062392-23, issued on August 25, 2023 and order LTB-L-071049-23, issued on September 25, 2023.

The Tenant filed a motion to set aside order LTB-L-062392-23 and order LTB-L-071049-23.

The motions was heard by videoconference on October 17, 2023.

Only the Landlords' Legal Representative, Richard Lammers, attended the hearing.

As of 9:41 a.m. the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. Since the Tenant did not attend the hearing to support their motions, I find that both motions have been abandoned.
2. The Landlords' Legal Representative submitted that the Tenant vacated the rental unit on October 13, 2023 and as a result, the Landlords have possession of the rental unit.

It is ordered that:

1. The motion to set aside Order LTB-L-071049-23 and Order LTB-L-062392-23, is denied.
2. The stay of Order LTB-L-071049-23 and Order LTB-L-062392-23 is lifted immediately.

October 27, 2023
Date Issued



Susan Priest
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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.