



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

File Number: SOL-19207-21-RV-IN

In the matter of: 1615, 121 HUNTER STREET W
HAMILTON ON L8P1R2

Concerning: The Effort Trust Company

and

Ari Samuel Buchalter

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

Aug 6, 2021

Landlord and Tenant Board

Landlord

Tenant

INTERIM ORDER

On August 3, 2021 Ari Samuel Buchalter (the 'Tenant') requested that order SOL-19207-21 issued on July 6, 2021, be reviewed and that the order be stayed until the Tenant's request to review the order is resolved.

Determinations:


1. In the Request to Review, the Tenant alleges that he was unable to reasonably participate in the proceeding.
2. He submits that he didn't receive the Notice of Hearing and has not lived at the rental unit for quite some time. He was only made aware of the hearing by a debt collection agency.
3. After reviewing the Tenants' Request to Review on Order, I find that he has provided sufficient information to support a preliminary finding of not reasonably able to participate in the hearing, in accordance with the Board's Rules of Procedure (the 'Rules'), specifically Rule 26.8
4. This is based on the Tenant not being aware of the hearing, as he had vacated the rental unit in February of 2021.
5. Therefore, this review is granted, and a review hearing will be scheduled. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
6. Should the review be granted, a new hearing will be held on the merits of the original application.

7. In order to preserve the rights of the Tenants until the review is resolved, the order should be stayed. An order cannot be enforced while it is stayed.
8. 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 SOL-19207-21 issued on July 6, 2021 is stayed until otherwise ordered.
2. 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.**
3. The parties are directed to give to each other and to the Board any evidence that relates to the review request and the original application no later than 7 days before the hearing. This includes any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing.
4. Disclosure shall be made by email. The Board's e-mail address is LTB-evidence@ontario.ca.
5. Pursuant to Rule 19.2 a party who fails to comply with an order for disclosure may not be permitted to rely on evidence that s not properly disclosed.

August 6, 2021
Date Issued



Stephanie Kepman
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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