



DEC 20, 2023

Elan Shemtov

Landlord and Tenant Board

**Order under Section 16.1 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Barker v Lin, 2023 ONLTB 82269

Date: 2023-12-20

File Number: LTB-T-095628-23-IN

In the matter of: 2, 37 PALACE ST
BRANTFORD ON N3T3W6

Between: John Clayton Barker Tenant

And

Xueqin Lin Landlord

INTERIM ORDER

John Clayton Barker (the 'Tenant') applied for an order determining that Xueqin Lin (the 'Landlord'):

- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.

Determinations:

1. The Tenant alleges that they have been illegally locked out of the rental unit.
2. An order shall issue to preserve the tenancy pending a determination of the issues.
3. If the Tenant wishes to get free legal advice from Legal Aid Ontario PRIOR to the hearing, they can access Tenant Duty Counsel by calling 1-877-374-0391. Please note: Tenant Duty Counsel must be contacted in advance as there is no guarantee that they will attend each specific hearing. Tenant Duty Counsel has also created an online registration system to request legal assistance which can be accessed at www.tdc.acto.ca. Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the Board.

It is ordered that:

1. The Board shall schedule this application for a video hearing on an expedited basis.
2. The Landlord shall not re-rent the rental unit to another tenant until this application is heard or the Board orders otherwise.

3. The Landlord shall preserve and keep safe any property belonging to the Tenant that is in the Landlord's control. Nothing in this order prevents the Landlord from giving to the Tenant any of their possessions at the request of the Tenant.
4. The Landlord shall immediately grant the Tenant access to their possessions to permit the Tenant to retrieve any medication and identification documents.
5. The initial and primary focus of the expedited hearing shall be on the allegation that the Tenant has been illegally locked out of the rental unit.
6. Any remaining issues raised in the application may be addressed at the hearing at the discretion of the Presiding Member if adequate disclosure has been provided and time permits.
7. The parties will have until no later than 7 days prior to the hearing to give to the other and file with the Board a copy of any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing. All submissions must be uploaded on the Tribunals Ontario Portal (TOP) online. It may also be submitted via email at LTB.Evidence@ontario.ca where the TOP precludes uploading large documents.
8. The parties may also consent in writing to exchange of documents using the online TOP portal.
9. 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.
10. The Tenant shall notify the Board and the Landlord in writing forthwith if the hearing is no longer necessary and the Tenant wishes to withdraw or abandon the application. The Board email address is LTB@ontario.ca.

December 20, 2023
Date Issued

Elan Shemtov

Elan Shemtov
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.