



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

Citation: Cornacchia v Sandy, 2023 ONLTB 37010

Date: 2023-05-11

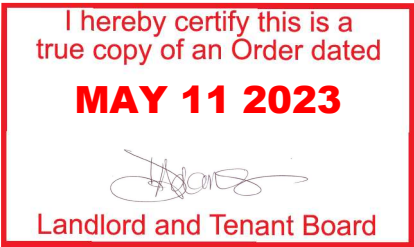
File Number: LTB-T-001868-23

In the matter of: 20 Bell Street
Barrie ON L4N0J2

Between: Jayne Gillett
Matthew Cornacchia

And

Sherry-Ann Sandy



Tenants

Landlord

INTERIM ORDER

Jayne Gillett and Matthew Cornacchia (the 'Tenants') applied for an order determining that Sherry-Ann Sandy (the 'Landlord') has collected or retained money illegally (“the T1 application”).

This application was heard by videoconference on May 3, 2023. The Tenants and the Landlord attended the hearing.

Determinations:

1. This T1 application was filed on September 12, 2022.
2. At the hearing, the Landlord requested an adjournment as she was unable to open the disclosure sent to her by the Tenants. Because of this, she was unable to prepare a defence or seek legal advice in advance of the hearing.
3. In my review of the file prior to the hearing, I experienced issues with access to the Tenant’s disclosure and intended to raise this as a preliminary issue at the hearing.
4. The Tenants undertook to convert their evidence to a PDF file, re-serve the Landlord and file a copy with the Board forthwith.
5. The Tenants advised that they filed a T5 application on November 10, 2022 which has not been scheduled. They asserted that the issues are directly related and the same evidence will be provided in both applications. The Tenants consented to an adjournment, if their two applications can be heard together on a new date.

6. I find that the issues in the Tenant's two applications overlap, based on the service of an N12 Notice to Terminate the tenancy for the Landlord's own use of the unit for residential purposes and the evidence of the parties will be relevant to both files.
7. Therefore, I find that it is appropriate to hear the two applications together given that the same evidence will be relied upon for both applications and the issues are related.
8. I am not seized of the matter.

It is ordered that:

1. The hearing is adjourned to a date to be scheduled by the Board along with LTB-T-010433-23. A new Notice of Hearing shall be issued for both applications.
2. At least 14 days prior to the next hearing date, the parties shall exchange and file with the Board any disclosure; documents, photographs, and other evidence which they intend to rely upon at the next hearing. The evidence submitted shall be organized and condensed into one (1) PDF file from each party.
3. Pursuant to the Board's Practice Direction on Evidence all evidence submitted by the parties must be relevant and not unduly repetitious and shall be organized as follows and must:
 - a. be readable;
 - b. have consecutively numbered pages; and
 - c. include a list or table of contents identifying each item in order, and by page number, if more than one item is being submitted.
4. If the parties fail to comply with this order, their evidence may not be accepted or considered at the hearing.

May 11, 2023
Date Issued



Donna Adams
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.