



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

Citation: Chuong v Cochrane, 2022 ONLTB 6089

Date: 2023-09-25

File Number: LTB-L-011632-22-RV

In the matter of: 202, 280 WOODFIELD RD
TORONTO ON M4L2W7

Between: Tom Chuong Landlord

And

Jasue Stefauovic Tenants
John Cochrane

Review Order

Tom Chuong (the 'Landlord') applied for an order to terminate the tenancy and evict Jasue Stefauovic and John Cochrane (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another Tenants;
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has wilfully or negligently caused damage to the premises.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

Tom Chuong (the 'Landlord') also applied for an order requiring Jasue Stefauovi and, John Cochrane (the 'Tenants') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex.

This application was resolved by order LTB-L-011632-22 issued on June 20, 2022.

On July 8, 2022 the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On July 13, 2022 interim order LTB-L-011632-22-RV-IN was issued, staying the order issued on June 20, 2022.

The review request was heard by videoconference on September 8, 2022 and concluded on September 14, 2023.

The Landlord, the Landlord's unauthorized Agent, Hao Lac, the Tenants and the Tenants' Representative, Kira Houchen attended the hearing on September 8, 2022. On September 14, 2023 only the Tenant, John Cochrane and the Tenants' Representative attended the hearing.

Determinations:

Review

1. The Tenants stated he did not receive the notice of hearing held on June 14, 2022. A surveillance video from the Landlord taken in October 2021 showed the Tenants using a screwdriver to pry his mailbox open after he tried his key that didn't work. The Tenants had the lock replaced in February 2022 and photograph taken in July 2022 showed the Tenants' mailbox missing the lock. Given the condition of the mailbox coupled with the Tenants' testimony, I find on a balance of probabilities, the Tenants did not receive the Notice and he did not have an adequate opportunity to participate in the proceedings held on June 14, 2022.
2. The review is granted, and the Landlord's application was heard de novo.

L2 application:

3. Since the Landlord did not attend the hearing on September 14, 2023, to support the application filed and the Board received a request from the Landlord to withdraw his application on September 10, 2023, I find the application abandoned.

It is ordered that:

1. The request to review order LTB-L-011632-22 issued on June 20, 2022, is granted.
2. Order LTB-L-011632-22 is cancelled and cannot be enforced.
3. The L2 application is dismissed.

September 25, 2023

Date Issued

Sandra Macchione

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.