



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

**Citation:** Nguyen v Bernard, 2023 ONLTB 41024

**Date:** 2023-05-25

**File Number:** LTB-L-007810-23-RV-IN

**In the matter of:** 1293A Coldrey Avenue  
Ottawa Ontario K1Z7P6

**Between:** John (Dang Chuong) Nguyen Landlord  
Kelly (Thi Hue) Nguyen

**And**

Robert Bernard Tenant

**INTERIM ORDER**

On May 24, 2023, the Landlord requested that order LTB-L-007810-23 issued on May 12, 2023 be reviewed and that the order be stayed until the Landlord's request to review the order is resolved.

**Determinations:**

1. This matter is directed to a review hearing to determine whether there was a serious error in the order or the proceeding and whether the Landlord was reasonably able to participate in the proceedings.
2. In the request to review, the Landlord claims they were not reasonably able to participate at the hearing due to technological difficulties and attempted to contact the Board.
3. The Landlord has requested a stay. The order under review does not require anyone to do or pay anything. There is nothing to enforce and so a stay of enforcement is not necessary.
4. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
5. Should the review be granted, a new hearing will be held on the merits of the original application.

6. A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Landlord.

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2023 ONLTB 41024 (CanLII)

**It is ordered that:**

1. The LTB shall schedule a hearing of the Landlord's request to review.
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 LTB any evidence that relates to the review request and the original application no later than **seven** days before the hearing. This includes any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing. If possible, the parties shall exchange information by email. Filing with the Board may be done by e-mail to [LTB.evidence@ontario.ca](mailto:LTB.evidence@ontario.ca).
4. If you are the Tenant and wish to obtain some legal advice **PRIOR** to your hearing, you 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 is a service offered through Legal Aid Ontario and is not affiliated with the Board.
5. 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.

**May 25, 2023**

**Date Issued**

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Dana Wren

Member, Landlord and Tenant Board

15 Grosvenor Street, 1st 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.

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