



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

Citation: Chou v Hashemzadeh, 2023 ONLTB 40994

Date: 2023-05-25

File Number: LTB-L-026373-22-RV-IN

In the matter of: 10 ISABELLA PEACH DR MARKHAM
ON L6C0Z1

Between: Cheuk kee Chou Landlord

And

Hamideh Bagheritirtashi Tenants
Moein Hashemzadeh

INTERIM ORDER

On May 24, 2023, the Tenants requested that order LTB-L-026373-22 issued on May 9, 2023 be reviewed and that the order be stayed until the Tenants' 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 Tenants were reasonably able to participate in the proceedings.
2. 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.
3. In the review request, the Tenants claim they were not reasonably able to participate at the hearing due to medical circumstances.
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 Tenants.

Order Page 1 of 2

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2023 ONL TB 40994 (CanLII)

It is ordered that:

1. Order LTB-L-026373-22 issued on May 9, 2023 is stayed until otherwise ordered.
2. The LTB shall schedule a hearing of the Tenants' request to review.
3. 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.
4. 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.
5. 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.
6. 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

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.

Order Page 2 of 2