



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

Citation: Cityhousing Hamilton Corporation v. Hamilton, 2023 ONLTB 39732

Date: 2023-05-18

File Number: LTB-L-048553-22-RV-IN

In the matter of: 610, 226 REBECCA ST
HAMILTON ON L8R1C3

Between: Cityhousing Hamilton Corporation Landlord

And

Errol Hamilton Tenant

INTERIM ORDER

On May 17, 2023, the Tenant requested that order LTB-L-048553-22, issued on May 17, 2023, be reviewed and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Tenant submits they were not reasonably able to participate in the March 28, 2023 hearing. The Tenant explains that they were out of the country at the time and that, although somebody was monitoring the mail, they did not receive the notice of hearing. The Board mailed the notice of hearing to the Tenant on February 23, 2023.
2. In order to preserve the rights of the Tenant until the review is resolved, the May 17, 2023 order should be stayed. An order cannot be enforced while it is stayed.
3. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.
4. Should the review be granted, a new hearing may be held on the same day to determine the merits of the original application about non-payment of rent.
5. A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Tenant.

It is ordered that:

1. Order LTB-L-048553-22, issued on May 17, 2023, is stayed until otherwise ordered.
2. The LTB shall schedule a hearing of the Tenant's request to review the May 17, 2023 order.

Order Page 1 out of 2

File Number: LTB-L-048553-22-RV-IN

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.
5. Disclosure may be made **BY E-MAIL**. The LTB's e-mail address is ltb.evidence@ontario.ca.
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 18, 2023
Date Issued

Harry Cho

Vice Chair, 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.

