



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

Citation: Wong v Ramsay, 2023 ONLTB 39725

Date: 2023-05-18

File Number: LTB-L-043823-22-RV-IN

In the matter of: Upper unit, 108 WICKSON TRAIL SCARBOROUGH
ON M1B1P3

Between: Yee - Phe Wong Landlord

And

Jill Ramsay Tenant
Jim Jackson

INTERIM ORDER

On May 15, 2023, the Tenants requested that order LTB-L-043823-22, issued on April 4, 2023, be reviewed and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Tenants submit a serious error occurred at the hearing and that a serious error exists in the order. The Tenants submit that the date of termination in the Landlord's notice of termination does not comply with subsection 48(2) of the *Residential Tenancies Act, 2006* (the 'Act') and is therefore void. Without a valid notice of termination, the Board does not have jurisdiction to grant an application under section 69 of the Act.
2. In order to preserve the rights of the Tenants until the review is resolved, the April 4, 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 to terminate the tenancy and evict the Tenants for the Landlord's own residential use of the rental unit, for at least one year.

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 Tenants.

It is ordered that:

1. Order LTB-L-043823-22, issued on April 4, 2023, is stayed until otherwise ordered.

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2. The LTB shall schedule a hearing of the Tenants' request to review the April 4, 2023 order.
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

15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

Harry Cho

Vice Chair, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

