



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

Citation: 5004395 Ontario Inc. v Woolfrey, 2023 ONLTB 39636

Date: 2023-05-17

File Number: LTB-L-058779-22-RV-IN

In the matter of: 3-1350 DAVENPORT RD TORONTO
ON M6H2G9

Between: 5004395 Ontario Inc. Landlord

And

David Woolfrey Tenant

INTERIM ORDER

On May 16, 2023, the Tenant requested that order LTB-L-058779-22 issued on May 5, 2023 be reviewed and that the order be stayed until the Tenant'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 Tenant was reasonably able to participate in the proceedings.
2. In order to preserve the rights of the Tenant 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 Tenant claims he did not receive the notice of hearing in time to attend the hearing and intended to participate to testify and defend his position.
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 Tenant.

It is ordered that:

1. Order LTB-L-058779-22 issued on May 5, 2023 is stayed until otherwise ordered.

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2. The LTB shall schedule a hearing of the Tenant's 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 17, 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.

