



## Order under Section 16.1 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

**Citation:** Morguard NAR Canada Limited Partnership v Blake, 2023 ONLTB 32869

**Date:** 2023-04-27

**File Number:** LTB-L-047147-22

**In the matter of:** 1224, 2869 BATTLEFORD RD  
MISSISSAUGA ON L5N2S6

**Between:** Morguard NAR Canada Limited Partnership Landlord

**And**

Miranda Blake Tenant

### INTERIM ORDER

Morguard NAR Canada Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Miranda Blake (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 27, 2023.

The Landlord's representatives F MacGregor and M Zarnett, the Landlord's property manager K Swan and the Tenant attended the hearing.

#### Determinations:

1. The Tenant requested an adjournment in order to have more time to prepare her evidence for the hearing.
2. The Tenant testified that her son is very ill, and in the care of physicians and a specialized hospital, and that he has been at home requiring care for many weeks and has just returned to school. Due to her son's illness she has been unable to prepare for the hearing and unable to secure legal counsel. The Tenant would like to develop a payment plan proposal and raise issues under section 82 of the *Residential Tenancies Act, 2006* (the "Act").

3. It was uncontested that the Tenant had made some rental payments since the Landlord's application was filed, but the rental arrears continue to increase.
4. The Landlord's representative opposed the Tenant's request, and submitted that the delay would unduly prejudice the Landlord.

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5. In the interest of procedural fairness, the hearing shall be adjourned to ensure the Tenant has sufficient time to prepare for the hearing, to seek legal counsel and prepare her evidence.
6. To ensure that the Landlord is not unduly prejudiced by the adjournment, the Tenant will be ordered to pay the lawful monthly rent to the Landlord until this matter is resolved.
7. The Tenant requested that the Board use [miranda22blake@gmail.com](mailto:miranda22blake@gmail.com) as the best method of contact.
8. I am not seized of the matter.

**It is ordered that:**

1. The hearing is adjourned to the soonest available date.
2. The next hearing date will be peremptory on the Tenant.
3. Parties shall provide the Board with any dates they are unavailable no later than 48 hours after the date of this order.
4. The Tenant shall pay to the Landlord the lawful monthly rent (\$1,856.76) in full and on or before the first day of the month, commencing May 1, 2023, until the present application is fully resolved. If the Tenant does not comply, the Landlord may submit a Request to Shorten Time, and the Board may refuse to consider the Tenant's evidence and submissions. The Landlord shall attach this Interim Order to the Request to Shorten Time.
5. On or before May 20, 2023, the Tenant shall provide to the Landlord:
  - a detailed list of the section 82 issues that the Tenant intends on raising at the next hearing. The list should include: (i) a description of each issue; (ii) when the issue started; (iii) when the Landlord was informed about the issue; (iv) whether the issue is now resolved; and (v) what the Tenant would like the Board to order for each issue. The Tenant may use the *Issues a Tenant Intends to Raise at a Rent Arrears Hearing* form available on the Board's website for this purpose, but use of the form is not required. If the Tenant does not comply, the Board may refuse to consider the Tenant's section 82 issues; and

- a copy of all documents, photographs and other evidence if not already disclosed. If the Tenant does not comply, the Board may refuse to consider the Tenant's evidence at the next hearing.
6. On or before May 30, 2023, the Landlord shall provide to the Tenant and the Board a copy of all documents, photographs and other evidence not already disclosed, including evidence to respond to the Tenant's section 82 issues. If the Landlord does not comply, the Board may refuse to consider the Landlord's evidence at the next hearing.
  7. Any documents, receipts, photographs, recordings or like things the parties intend to rely on at the hearing shall be provided to the Board at the Board's email address for this

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purpose at LTB-Evidence@ontario.ca. Ensure all documents, receipts, photographs, recordings or like things are labeled for ease of reference at the hearing. The email header should specify "LTB-L-047147-22".

**April 27, 2023**

**Date Issued**

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Heather Kenny

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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.