



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** 1319399 Ontario Inc c/o GWL Realty Advisors Residential Inc v Daniel Patterson, 2023  
ONLTB 32886

**Date:** 2023-04-26

**File Number:** LTB-L-057326-22

**In the matter of:** 902, 360 TORRANCE ST  
BURLINGTON ON L7R2R9

**Between:** 1319399 Ontario Inc c/o GWL Realty Landlord  
Advisors Residential Inc

**And**

Daniel Patterson Tenant

**INTERIM ORDER**

1319399 Ontario Inc c/o GWL Realty Advisors Residential Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Patterson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 13, 2023.

The Landlord's representative M Zarnett and the Tenant's father W Patterson attended the hearing.

**Determinations:**

1. Prior to the beginning of the hearing, the Tenant submitted an accommodation request to the Board. This request included the disclosure that the Tenant is profoundly deaf and unable to read lips and does not use or understand sign language.
2. The Tenant also submitted a request to adjourn the hearing, to allow the Tenant to prepare his evidence and to obtain legal representation. In the Tenant's email, it is indicated that the Tenant received notice of this hearing date only a few days ago, and the envelope that contained said notice was a plain brown envelope, with no indication it was from the Board. The Tenant is intending to raise section 82 issues at the next hearing date.

3. At the hearing, the Tenant's father W Patterson testified that the Tenant D Patterson was taken to hospital that morning with heart issues and was therefore unable to attend.
4. At the hearing, the Tenant's father also testified that he would be able to assist the Tenant at a future hearing date to understand and participate in the proceedings, thus addressing the Tenant's request for accommodation.

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5. The Landlord's representative M Zarnett objected to the Tenant's request to adjourn the hearing, citing the significant rental arrears and the lengthy time it takes to come before the Board for a hearing date. The Landlord requested that if the matter is adjourned, that the Tenant be ordered to pay rent to the Landlord to mitigate the prejudice to the Landlord.
6. The Tenant's request to adjourn is granted. This will allow the Tenant the opportunity to secure appropriate support from his father for the next hearing and to obtain legal counsel. The Tenant will be ordered to pay the Landlord lawful monthly rent in order to mitigate the prejudice to the Landlord due to the Tenant's request to adjourn the hearing to a future date.
7. I am not seized of this matter.

**It is ordered that:**

1. The hearing is adjourned to the soonest available date.
2. Parties shall provide the Board with any dates they are unavailable no later than 7 days after the date of this order.
3. The rescheduled hearing is peremptory on the Tenant.
4. The Tenant shall ensure that his father W Patterson is able to attend the next hearing date to provide support and to ensure that the Tenant comprehends the proceedings.
5. The Tenant shall be prepared to present documentation at the next hearing confirming the medical emergency that prevented him from attending the hearing on April 13, 2023.
6. The Tenant shall pay to the Landlord the lawful monthly rent (\$1,468.45) 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.
7. On or before May 30, 2023 the Tenant shall provide to the Landlord and the Board:
  - a) a detailed list of the section 82 issues that the Tenant intends to raise at the next hearing. The list should include: (i) a description of each issue; (ii) when the issue started; (iii) when the Landlord were 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

- b) 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.

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- 8. On or before June 15, 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.
- 9. 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 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-057326-22".

**April 26, 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.