



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

Citation: Cory Macdonald v Kirk Young, 2023 ONLTB 32888

Date: 2023-04-24

File Number: LTB-L-004782-23

In the matter of: 14, 181 York Street
Kingston ON K7K1R5

Between: Cory Macdonald Landlord

And

Kirk Young and Kristen Huggard Tenants

Cory Macdonald (the 'Landlord') applied for an order to terminate the tenancy and evict Kirk Young and Kristen Huggard (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on April 12, 2023 at 9:00 a.m.

The Landlord, self-represented, and the Tenant Kirk Young, assisted by John Done, Tenant Duty Counsel, attended the hearing. Kristen Huggard was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Preliminary Issue:

1. At the onset of the hearing John Done, Tenant Duty Counsel, assisting Tenant Kirk Young requested an adjournment submitting that the Tenant has literacy issues, has limited capacity to participate online and that the second Tenant has not been served with the application documents, and that the Tenant has also not had an opportunity to seek legal advice.
2. The Landlord objected submitting that the Tenant has had 7 months to seek legal advice, that the second Tenant, to the best of his knowledge, still resides at the rental unit, that the rental arrears are increasing and that any further delays would be prejudicial to him.
3. I granted the Tenant's adjournment request subject to the conditions as set out in the "It is Ordered" section below.

Determinations:

1. The hearing is adjourned.

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It is ordered:

1. The hearing is adjourned to a date to be scheduled by the Board.
2. The parties are to provide the Landlord and Tenant Board with their unavailable dates up to June 30, 2023 by April 21, 2023 4:00 p.m.
3. The Landlord is to provide John Done, Tenant Duty Counsel, with all required documents, namely the L1 Application, the N4 Notice to End a Tenancy Early for Non-Payment of Rent (the "N4 Notice"), Certificate of Service for the N4 Notice, and any other documents that may be required for this application on or before April 14, 2023
4. The Landlord is to file with the Board with a Certificate of Service noting all documents provided to John Done, confirming that he has delivered the documents no later than 15 business days prior to the next scheduled hearing.
5. Commencing on or before May 1, 2023, and on the 1st day of each following months until such time as this matter is fully resolved the Tenants shall pay the Landlord the full legal rent.
6. Any additional documents or other evidence that either party intends to rely on at the next hearing must be provided to all parties 7 days in advance as per Tribunals Ontario / Landlord and Tenant Board Rules of Procedure, Rule 19 – Disclosure and Evidence.
7. The next hearing is peremptory on the Tenants
8. I am seized of the matter.

April 24, 2023

Date Issued

Peter Pavlovic

Member, Landlord and Tenants 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.