



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

Citation: Li and Liu v Joseph, 2023 ONLTB 32867
Date: 2023-04-17 **File Number:** LTB-
L-044235-22-RV-IN

In the matter of: Basement Unit, 35 CROWN ACRES CRT SCARBOROUGH
ON M1S4W1

Between: Baige Li Landlord
Heye Liu

And

Tom Joseph Tenant

INTERIM ORDER

On April 13, 2023, the Tenant requested that order LTB-L-044235-22, issued on April 5, 2023, be reviewed and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Tenant submits he was not reasonably able to participate in the March 22, 2023 hearing. The Tenant explains that, although he purchased a refurbished computer to participate in the hearing, he was not able to join the online hearing via Zoom. The Tenant does not explain whether he attempted to join the proceedings by telephone.
2. In order to preserve the rights of the Tenant until the review is resolved, the April 5, 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.
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 Tenant.

It is ordered that:

1. Order LTB-L-044235-22, issued on April 5, 2023, is stayed until otherwise ordered.
2. The LTB shall schedule a hearing of the 's request to review.

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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. If e-mail communication is unavailable or inadequate for the exchange of evidence the parties shall comply with all Health Canada guidelines with respect to social distancing and isolation available at <https://www.canada.ca/en/public-health/services/diseases/2019novel-coronavirus-infection/guidance-documents.html>.
7. 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.

April 17, 2023

Date Issued

Harry Cho
Vice Chair, Landlord and Tenant Board

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

