



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

**Citation:** Thomas v Schmidt, 2023 ONLTB 27546

**Date:** 2023-03-28 **File Number:**  
LTB-L-007964-22-IN2

**In the matter of:** 5, 200 Church St  
Bonfield ON P0H1E0

**Between:** Gregory Thomas Landlord

**And**

Marcus Schmidt Tenant

Gregory Thomas (the 'Landlord') applied for an order to terminate the tenancy and evict Marcus Schmidt (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023.

The Landlord Gregory Thomas and the Landlord's Legal Representative Roselle Greuter and the Tenant Marcus Schmidt and the Tenant's Legal Representative Jennifer Demellweek attended the hearing. The former Landlords Jeannine Foisy and Remi Foisy also attended the hearing.

At the end of the hearing block the file was adjourned as there was no time to complete it.

As a preliminary issue, the application was amended to remove the former Landlord and add the current Landlord who purchased the rental unit on August 30, 2022. Pursuant to section 18 of the Residential Tenancies Act, 2006 (the 'Act') covenants run with the land so all of the legal obligations and rights of the former landlord passed to the new landlord on the date of the sale. The style of cause reflects this change.

**It is ordered that:**

1. The hearing for this application is adjourned to the earliest available date to be set by the Board. The Board will send the parties a new Notice of Hearing for the next hearing date.

2. As ordered at the hearing, the Tenant shall pay \$929.00 towards the monthly rent, to the Landlord on or before the first of every month, commencing April 1, 2023 and until this hearing resumes before the Board.
3. At least 7 days before the hearing, the parties shall give each other and file with the Board a copy of any documents, receipts, photographs, recordings, or any other submissions they intend to rely on at the hearing.
4. At least 5 days before the hearing, the Landlord shall serve the Tenant and file with the Board a fresh L1/L9 update sheet. It shall be filled out correctly with accurate information.
5. At least 5 days before the hearing, the Landlord shall also serve the Tenant with a full rent ledger covering the period when rent arrears are alleged to have begun until the date is served on the Tenant.
6. The Parties shall exchange with each other any list of witnesses and issue appropriate summonses for witnesses if required, within 10 days of the hearing date.
7. Pursuant to Rule 19.7 a party who fails to comply with this order may not be permitted to rely on evidence that was not properly disclosed.
8. The Landlord shall notify the Board and the Tenant in writing immediately if the hearing is no longer necessary, and they wish to withdraw, discontinue, or abandon their application.
9. I am seized with this matter.

**March 28, 2023**

**Date Issued**

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John Cashmore

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.