



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

**Citation:** Kingston & Frontenac Housing Corporation v Mundell, 2022 ONLTB 14649

**Date:** 2022-12-23

**File Number:** LTB-L-030319-22-RV-IN

**In the matter of:** 411, 381 BAGOT ST  
KINGSTON ON K7K6B7

**Between:** Kingston & Frontenac Housing Corporation Landlord

**And**

Stevie Mundell Tenant

**INTERIM ORDER**

On December 22, 2022, Stevie Mundell (the "Tenant") requested that order LTB-L-030319-22 issued on November 24, 2022, be reviewed and that the order be stayed until the Tenant's request to review the order is resolved.

**Determinations:**

1. The Tenant did not attend the hearing for the Landlord's application held on October 25, 2022. A voidable standard termination order was issued after the hearing.
2. The Tenant filed a request for a review alleging that they were not reasonably able to participate in the hearing held on October 25, 2022.
3. The Tenant alleges that she was not reasonably able to participate because she did not receive the N4 notice of termination or the notice of hearing. The Tenant wrote that she checks her mailbox once or twice per week, although the mailbox is broken, and the lock and key do not work. The Tenant wrote that she also checks her email address once or twice per week. She alleges that she first heard about the Landlord's application when she received a notice to vacate from the Sheriff on December 12, 2022. That would mean that the Tenant also did not receive the order sent by the Board.
4. I find that the Tenant's request should be sent to a hearing to determine whether she was not reasonably able to participate in the hearing held on October 25, 2022.
5. In order to preserve the rights of the Tenant until the review is resolved, the order should be stayed. An order cannot be enforced while it is stayed.
6. The matter is directed to a review hearing to determine whether the request to review should be granted or denied.



7. Should the review be granted, a new hearing will be held on the merits of the original application.
8. 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-030319-22 issued on November 24, 2022, is stayed until otherwise ordered.
2. The LTB shall schedule a hearing of the Tenant's request to review.
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 shall be made **BY E-MAIL**. The LTB's e-mail address is [ltb.evidence@ontario.ca](mailto: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/2019-novel-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.

**December 23, 2022**

**Date Issued**

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Nancy Morris

Member, Landlord and Tenant Board

15 Grosvenor Street, 1st 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.