



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

**Citation:** Gerditschke v Brockman, 2022 ONLTB 13522

**Date:** 2022-11-29

**File Number:** LTB-L-015822-22-RV

**In the matter of:** 2, 207 TRENT ST E  
Whitby ON L1N1L7

**Between:** Charles Gerditschke Landlord

**And**

Shannon Brockman Tenant

### Review Order

Charles Gerditschke (the 'Landlord') applied for an order to terminate the tenancy and evict Shannon Brockman (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-015822-22 issued on October 24, 2022.

On November 2, 2022, the requested a review of the order.

The request was heard on November 23, 2022. The Landlord and the Tenant attended the hearing.

### Determinations:

1. The Tenant acknowledges that she has not paid rent since February 2022.
2. The Tenant claims there was a flood in the rental unit which she believes made the unit unfit for habitation. The Tenant provided no disclosure prior to the hearing as required by interim order LTB-L-0158222-IN issued on November 3, 2022.
3. The Tenant made the following submissions at the hearing. The Tenant testified that she contacted Property Standards, but that they told her they do not deal with mould issues and that they did not receive the evidence she submitted to them. There has been no reports or work orders.

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4. The Tenant testified that the Board sent her an email informing her that the Sheriff was to enforce the order. There is no record of such an email.
5. The Tenant testified that her neighbour yelled at her from their balcony that the Sheriff was to evict her, despite the Tenant's testimony that she left the unit on March 2, 2022 and has not been living at the unit since the flood.
6. The Tenant testified that she did not receive an N4 notice for non-payment of rent. The Tenant was informed that the certificate of service states that the N4 was slid under the door of the rental in on March 2, 2022. The Tenant testified that she wasn't at the unit that day and that the Landlord was there with contractors.
7. It was the Landlord's testimony that the kitchen and bathroom were replaced shortly after a flood. That the Landlord did not take the order to the Sheriff to enforce an eviction. The Landlord confirmed the N4 was served by sliding the notice under the door. The Landlord also testified that he has not told anyone at the residential complex that the Tenant was being evicted.
8. I find there is no serious error in the order as the Tenant has acknowledged that she has not paid the rent the Landlord has claimed and the Tenant has been ordered to pay. In addition, I find the Tenant's inconsistencies with her testimony make it challenging to find the Tenant was not reasonably able to participate at the hearing. the Tenant's own testimony that a neighbour informed her of an eviction shows that she has been at the unit. As such, the request to review is denied.
9. The Tenant confirmed at the hearing that she has filed a tenant application with the Board. As a result, any issues the Tenant believes may amount to an abatement of rent will be determined at the hearing related to the Tenant's application where disclosure will permit the Tenant to properly raise any issues identified in the application.

**It is ordered that:**

1. The request to review order LTB-L-015822-22 issued on October 24, 2022 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 3, 2022 is cancelled. The stay of order LTB-L-015822-22 is lifted immediately.

**November 29, 2022**

**Date Issued**

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**Greg Joy**  
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.