



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

File Number: LTB-L-053097-24

In the matter of: 23 WILLOW AVE
TORONTO ON M4E3K1

Between: Neil Mccrea Landlord

and

Carlos Gaspar Ibarra Former Tenant

and

Dafne Hernandez Interested Party

Order

Neil Mccrea (the 'Landlord') applied for an order requiring Carlos Gaspar Ibarra (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes. This application was resolved by Order LTB-L-053097-24 issued on July 9, 2025 (the 'Hearing Order').

On December 4, 2025, the Landlord requested that the Hearing Order be amended to include the name of another tenant, Dafne Hernandez (the 'Interested Party'), and indicated he had also asked that the Hearing Order be reviewed; although, no request to review was ultimately filed.

Regardless, an LTB initiated review of the Order was directed to hearing as per Interim Order LTB-L-053097-24-BIR-IN issued on December 10, 2025.

Only the Landlord attended the videoconference hearing on January 15, 2026.

Determinations:

1. The LTB review of the Hearing Order was initiated due to concern the LTB may have seriously erred in not identifying all respondents to the Landlord's application.
2. The concern arose because there are two copies of the Landlord's application in the LTB's records. One names two individuals, the Former Tenant and the Interested Party, while the other names only the Former Tenant, and the original Notice of Hearing was only sent to the Former Tenant.
3. The LTB's records also show that both of the applications were created by the Landlord.

4. On January 15, 2026, the Landlord admitted it was his error that only the Former Tenant was named in the electronic version of his application.
5. The electronic version of the application was uploaded shortly after the manually completed application and was therefore the most recent version of the application the Landlord filed.
6. In the above circumstances, I find it was not appropriate to continue the LTB review of the Hearing Order and I have instead revisited the Landlord's request to amend the Hearing Order to add the Interested Party as a named party.
7. Under Rule 24.1 a party can ask to amend an order to correct a clerical error within 30 days from the date the order is issued.
8. Clerical errors are usually typographical errors and, with limited exception, are those for which the LTB is solely responsible.
9. I do not find the Landlord's request to add the Interested Party to the Hearing Order to be clerical in nature given the fact that the Interested Party was not named as a party on the most recent electronic version of the Landlord's application and the Landlord's admission that this was his error.
10. The Landlord's request to amend the Hearing Order is denied.

It is ordered that:

1. Interim Order LTB-053097-24-BIR issued on December 10, 2025, is cancelled.

February 12, 2026
Date Issued

Rebecca Case
Vice Chair, 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.