



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

File Number: LTB-L-005861-26-BIR

In the matter of: 1204, 188 CLARK BLVD
BRAMPTON ON L6T0J2

Between: 188 Clark Apartments Limited

Landlord

And

Kesha Bell

Tenant

LTB Initiated Review Order

188 Clark Apartments Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Kesha Bell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-005861-26 issued on April 7, 2026.

Determinations:

1. This L1 application was resolved on consent by an order issued on April 7, 2026. The order was made pursuant to s.69 of the *Residential Tenancies Act, 2006* (the 'Act').
2. On April 8, 2026 the Tenant submitted a motion to set aside an *ex parte* order, indicating the within file number.
3. A motion to set aside an *ex parte* order is only available to a tenant where the order sought to be set aside is an *ex parte* order made pursuant to s.78(6) of the Act. The only order issued in this file is an order made pursuant to s.69 of the Act. It is not an *ex parte* order; the order was issued after a hearing. The LTB has no jurisdiction to hear the Tenant's motion as the order the Tenant seeks to set aside was not issued pursuant to s.78(6) of the Act.
4. Although the LTB has no jurisdiction to hear this motion, the Tenant's motion was accepted by the LTB, a motion was scheduled, and a stay of enforcement was put into place. This happened due to administrative error.
5. It would be a jurisdictional error for the LTB to hear this motion.
6. Accordingly, pursuant to Rule 26.3 of the LTB's Rules of Procedure, the LTB has initiated a review. This review may be decided without a hearing. It is not necessary to receive submissions from the parties as the error was internal and the LTB does not have jurisdiction to hear this motion. It is not possible that a submission from either party could support hearing this motion.

7. For the reasons above, I am satisfied that the acceptance of this motion was a serious administrative error and that it would be a serious error to hear the motion.
8. To remedy the administrative error and prevent a serious error of jurisdiction, the hearing of the motion shall be cancelled and this order will lift the stay imposed by the Notice of Hearing issued for the motion.

It is ordered that:

1. The motion hearing scheduled to take place on May 19, 2026 is cancelled.
2. The stay imposed by a Notice of Hearing issued on April 9, 2026 is lifted immediately.

April 14, 2026
Date Issued

Renée Lang
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.