



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

**File Number:** SOL-14678-20-RV2

**In the matter of:** 647D, 468 OTTAWA STREET N  
HAMILTON ON L8H4A6

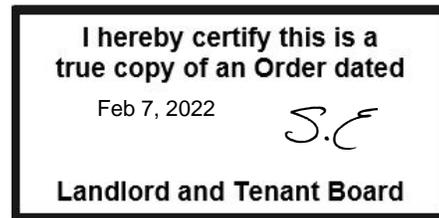
**Between:** 468 Ottawa North Residences Corp.

Landlord

**and**

Melanie Louise Rees

Tenant



**Review Order**

468 Ottawa North Residences Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Melanie Louise Rees (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order SOL-14678-20-RV, issued on January 4, 2022.

On February 3, 2022, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

**Determinations:**

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. The Tenant's representative seeks to admit evidence that was not available at the December 14, 2021 review hearing. The evidence the Tenant's representative seeks to admit, however, is of events that occurred after the hearing date. The January 4, 2022 review order accurately reflects the Tenant's and Landlord's circumstances as of the hearing date. The Tenant's later assignment in bankruptcy after January 4, 2022 is therefore not admissible.
3. The Tenant's representative also seeks an order from the Board confirming the stay of eviction issued under section 69 of the *Bankruptcy and Insolvency Act*.

4. A stay of proceedings under the *Bankruptcy and Insolvency Act* involves a separate proceeding under federal legislation. A Board order is not required to confirm a stay under that proceeding for the stay to be enforceable. I therefore decline to issue an order addressing the stay of proceedings under the *Bankruptcy and Insolvency Act*.
5. However, a party who enforces an eviction order that is subject to a stay of proceedings under the *Bankruptcy and Insolvency Act* may expose themselves to liability under that legislation. Additionally, the offending party who enforces a stayed eviction order may also be exposed to liability under provincial legislation.

**It is ordered that:**

1. The request to review order SOL-14678-20 issued on January 4, 2022 is denied. The order is confirmed and remains unchanged.



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Harry Cho  
Member, Landlord and Tenant Board

**February 7, 2022**  
**Date Issued**

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.