



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

Citation: Jennifer De souza v Deborah Kelly, 2023 ONLTB 31185

Date: 2023-04-17

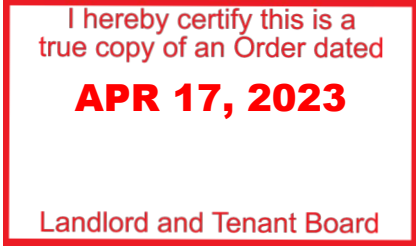
File Number: LTB-L-050721-22-RV

In the matter of: 1, 64 GOLDEN MEADOW RD
BARRIE ON L4N7G5

Between: Flavio De almeida
Jennifer De souza

And

Deborah Kelly
Jennifer Brisebois



Landlords

Tenants

Review Order

Flavio De almeida and Jennifer De souza (the 'Landlords') applied for an order to terminate the tenancy and evict Deborah Kelly and Jennifer Brisebois (the 'Tenants') because the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlords also applied for an order requiring the Tenants to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' conduct or that of another occupant of the rental unit or someone the Tenants permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was resolved by order LTB-L-050721-22 issued on March 13, 2023 as it related to the hearing that was held on March 2, 2023. Only the Landlord attended that hearing.

On March 16, 2023, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 20, 2023 interim order LTB-L-050721-22-RV-IN was issued, staying the order issued on March 13, 2023

This review request was heard by videoconference on April 5, 2023. The Landlord, the Landlord's legal representative, Teri Landriault, and both Tenants attended the hearing. The Tenants spoke with Tenant Duty Counsel on the hearing date.

At the hearing, the parties requested the following order on consent. I am satisfied that the parties understood the consequences of their joint submissions.

Determinations:

1. The Tenants are still in possession of the rental unit.
2. The parties agreed to a final non-voidable termination of the Tenancy based on an agreement to terminate the tenancy for May 31, 2023. Therefore, the application is amended to include an L3 application for their agreement to terminate the tenancy.

On consent of all parties, it is ordered that:

1. The request to review order LTB-L-050721-22 issued on March 13, 2023 is granted.
2. Order LTB-L-050721-22 issued on March 13, 2023 is cancelled and replaced with the following order.
3. The Tenancy is terminated on May 31, 2023. The Tenants must move out of the rental unit by May 31, 2023.
4. If the unit is not vacated on or before May 31, 2023, then starting June 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 1, 2023.

April 17, 2023

Date Issued



Terri van Huisstede
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 2, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.