



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

Citation: Shaikh v Raymond, 2024 ONLTB 19446

Date: 2024-03-13

File Number: LTB-L-077775-23-RV

In the matter of: 181 STANLEY AVE
CHATHAM ON N7M3K1

Between: Muhammad Junaid Shaikh

And

Danny Raymond
Amanda Raymond

I hereby certify this is a
true copy of an Order dated
MAR 13, 2024
Landlord and Tenant Board

Landlord

Tenants

Review Order

Muhammad Junaid Shaikh (the 'Landlord') applied for an order to terminate the tenancy and evict Danny Raymond and Amanda Raymond (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-077775-23 issued on October 13, 2023. This order was issued without a hearing.

The Tenants filed a motion to set aside the order issued on October 13, 2023. The matter was scheduled to be heard on December 18, 2023. The Tenants did not attend the hearing.

The motion was resolved by order LTB-L-077775-23-SA issued on January 10, 2024.

On January 23, 2024, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 26, 2024, interim order LTB-L-077775-23-RV-IN was issued, staying the order issued on January 10, 2024.

This application was heard in by videoconference on March 7, 2024.

The Landlord, the Landlord's wife, Shazia Safdar, the Landlord's Legal Representative, Carmen Dawdy, the Landlord's Agent, Moe Motala, the Tenants, and the Tenants' friend/agent, Mathew Knight, attended the hearing.

Determinations:

1. The Tenants claimed that they did not receive the Notice of Hearing for the hearing held on December 18, 2023.
2. Neither the Board nor the Landlord's Legal Representative could disprove the Tenants' claim. Therefore, I am granting the Tenants' request to review.

New Hearing

3. The parties signed an N11 agreement to end the tenancy on September 9, 2023. The agreement stated that the Tenants had agreed to vacate the rental unit on or before October 31, 2023. The document was entered into evidence.
4. The Landlord's Legal Representative added that the Landlord had also offered the Tenants not to pay any more rent as long as they left as promised by October 31, 2023.
5. The Tenants' friend/agent attempted to tell the Board that the N11 agreement was fraudulent and that the Tenants were forced to sign it. The Tenants' friend/agent had no proof to back up any of his assertions, and as a result his testimony and assertions could not be considered by the Board.
6. The Landlord's Agent testified that he filmed the entire N11 signing process on September 9, 2023. The video was admitted into evidence. The video did not show anyone being forced to sign any documents.
7. The Landlord's Legal Representative stated that the Tenants have not paid any rent at all since July 2023 and are clearly taking advantage of both the Landlord and the Board's processes. The Landlord's Legal Representative is requesting an order for eviction as soon as possible.
8. As a result of the evidence presented at the hearing, I find that the parties signed a valid N11 agreement, that the Tenants had no intention of honouring. Therefore, this tenancy must now end.

It is ordered that:

1. The request to review order LTB-L-077775-23 issued on October 13, 2023, is granted.
2. Order LTB-L-07777523 issued on October 13, 2023, is cancelled, and replaced with the following:
3. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before **March 24, 2024**.

4. If the unit is not vacated on or before March 24, 2024, then starting March 25, 2024, 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 March 25, 2024.

March 13, 2024
Date Issued

Michael Di Salle

Michael Di Salle
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 September 25, 2024, 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.