



MAR 8, 2024

Elan Shemtov

Landlord and Tenant Board

**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Varathan v Brathwaite, 2024 ONLTB 14398

Date: 2024-03-08

File Number: LTB-L-001830-23

In the matter of: 1, 52 SPENCER AVE
TORONTO ON M6K2J6

Between: Mathy Varathan Landlord

And

Mark Brathwaite Tenant

Mathy Varathan (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Brathwaite (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 26, 2024.

The Landlord, the Tenant, and the Tenant's Representatives Stephanie Young and Samuel Mason attended the hearing.

At the hearing, the parties reached consent. I am satisfied the parties have understood the consequences of their consent.

It is ordered on consent that:

1. The tenancy is terminated effective March 30, 2024. To this end, on or before March 30, 2024, the Tenant and the other occupants who reside in the Rental Unit, if any, must move out of the Rental Unit.
2. If the Rental Unit is not vacated on or before March 30, 2024, then beginning April 1, 2024, the Landlord may file the Order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced
3. Upon receipt of the Order, the Court Enforcement Office (Sheriff) is directed to give the Landlord vacant possession of the Rental Unit on or after April 1, 2024.
4. The Tenant agrees to empty the unit of all possessions by March 30, 2024.
5. All claims of rent arrears and future rent owing until the tenancy termination date are waived. The Tenant is not entitled to the return of any last month's rent deposit.
6. The Landlord agrees to replace the unit's front door as soon as possible and will fortify the current front door within two weeks, being February 9, 2024.

7. The Tenant agrees to withdraw and waive all current and future claims against the Landlord at the Landlord and Tenant Board, including tenant applications, claims made under section 82 of the *Residential Tenancies Act*, and any other claims.
8. The Landlord agrees to withdraw and waive all current and future claims against the Tenant for the rent arrears, including small claims court.
9. The parties mutually agree to not contact the other party, or members of their families, at anytime after the tenancy is terminated. The parties mutually agree to not trespass on the other party's, or members of their families', property, at any time, after the tenancy is terminated.
10. The Tenant agrees to remove or delete any social media posts that he has authored concerning the Landlord or the Rental Unit immediately.

March 8, 2024
Date Issued



Elan Shemtov
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 October 1, 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.