



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** Foster v Harper, 2023 ONLTB 61702

**Date:** 2023-09-07

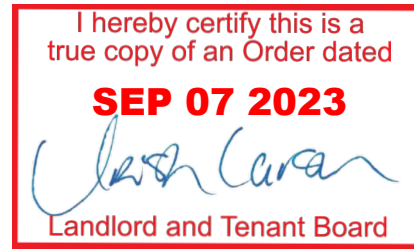
**File Number:** LTB-L-066397-23

**In the matter of:** 1, 46 OTTAWA ST S  
HAMILTON ON L8K2E1

**Between:** Gary J Foster  
Brooke McAllister-Foster

**And**

Tanya Harper  
Robert MacDonald



Landlords

Tenants

Gary J Foster and Brooke McAllister-Foster (the 'Landlords') applied for an order to terminate the tenancy and evict Tanya Harper and Robert MacDonald (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

### Determinations:

1. The Landlords and Tenants entered into an agreement to terminate the tenancy as of August 31, 2023.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenants to pay the application filing fee as costs.

### It is ordered that:

1. The tenancy between the Landlords and Tenants is terminated. The Tenants must move out of the rental unit on or before September 18, 2023.
2. If the unit is not vacated on or before September 18, 2023, then starting September 19, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after September 19, 2023.



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**Trish Carson**  
Member, Landlord and Tenant Board

**September 7, 2023**  
**Date Issued**

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.

The Tenants have until September 17, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the Tenants file the motion by September 17, 2023 the order will be stayed and the LTB will schedule a hearing.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 19, 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.