



Order under Section 77(8)
Residential Tenancies Act, 2006

File Number: SOL-25723-21-SA

In the matter of: UNIT 112, 187 QUEEN VICTORIA DRIVE
HAMILTON ON L8W1W6

Between: Mohammed Anas Khan

and

Donatella Pepe

I hereby certify this is a
true copy of an Order dated

02/08/2022

LL

Landlord and Tenant Board

Landlord

Tenant

Mohammed Anas Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Donatella Pepe (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

That application was resolved by order SOL-25723-21 issued on December 1, 2021. The Tenant filed a motion to set aside order SOL-25723-21.

This motion was heard by video conference on January 31, 2022. The Landlord, the Landlord's Legal Representative, L. Barder and the Tenant attended the hearing.


Determinations:

1. The Landlord and the Tenant signed an Agreement to End the Tenancy (N11) with a termination date of September 30, 2021.
2. The Landlord filed an eviction application under section 77 of the *Residential Tenancies Act, 2006* alleging that the Tenant did not move out of the rental unit by the termination date set out in the agreement. This resulted in ex parte eviction order SOL-25723-21.
3. The Tenant testified that having signed the notice of termination, she has had trouble securing alternative accommodation. The Tenant recently secured a property with an expected closing date of March 31, 2022 and requested an opportunity to reside in the unit with a possible move out date prior to March 31, 2022.
4. The Landlord stated that the notice of termination was signed in good faith and allowing the Tenant to stay in the unit to March 31, 2022, will be prejudicial taking into consideration the enforcement period if the Tenant did not vacate the unit by March 31, 2022. The Landlord compromised by asking that the stay is lifted on March 5, 2022.
5. I have considered all the disclosed circumstances in accordance with subsection 78(11) (b) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant the Tenant's motion.

It is ordered that:

1. The motion to set aside Order SOL-25723-21, issued on December 1, 2021, is denied. Order SOL-25723-21 is unchanged.
2. The stay of order SOL-25723-21 is lifted on March 15, 2022.

February 8, 2022
Date Issued



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Member, Landlord and Tenant Board

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.