



Order under Section 77 Residential Tenancies Act, 2006

Citation: JOSHI v KILLORAN, 2023 ONLTB 20401

Date: 2023-02-15

File Number: LTB-L-077905-22

In the matter of: A5, 110 ACTIVIA AVE
KITCHENER ON N2E4K4

Between: SIDDHARTH JOSHI Landlord

And

JAKE KILLORAN Tenants
KASSANDRA KILLORAN
KRISTY KILLORAN

SIDDHARTH JOSHI (the 'Landlord') applied for an order to terminate the tenancy and evict JAKE KILLORAN, KASSANDRA KILLORAN and KRISTY KILLORAN (the 'Tenants') because the Tenant entered into an agreement to terminate the tenancy.

This application was heard on February 8, 2023. As of 9:40am, only the Landlord attended the hearings.

Determinations:

1. The Landlord and Tenants entered into an agreement to terminate the tenancy as of February 28, 2023.
2. Since the Tenants did not move out of the rental unit by the termination date, the Landlord was required to file the application to obtain vacant possession. Therefore, the Tenants are responsible for paying the Landlord for the \$201.00 application filing fee incurred.
3. The Tenants currently have outstanding rent equal to five months.
4. I have considered all of the disclosed circumstances and find it would be unfair to grant relief from eviction.

It is ordered that:

1. The tenancy between the Landlord and Tenants is terminated. The Tenants must move out of the rental unit on or before February 28, 2023.
2. If the unit is not vacated on or before February 28, 2023, then starting March 1, 2023, the Landlord 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 Landlord on or after March 1, 2023.
4. The Tenants shall pay to the Landlord \$201.00 for the cost of the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before February 26, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 27, 2023 at 5.00% annually on the balance outstanding.

February 15, 2023

Date Issued

Greg Joy
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 August 27, 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.

