



## **Order under Section 77 Residential Tenancies Act, 2006**

**Citation:** Hassan v Fountain Desmond Anthony, 2023 ONLTB 21867

**Date:** 2023-02-23

**File Number:** LTB-L-010500-23

**In the matter of:** MAIN FLOOR - UPPER ONLY, 264  
LIMERICK ST  
OSHAWA ON L1J6K9

**Between:** Chowdhury Abir Hassan Landlord

**And**

Levi Fountain Desmond Anthony Tenant

Chowdhury Abir Hassan (the 'Landlord') applied for an order to terminate the tenancy and evict Levi Fountain Desmond Anthony (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

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

**It is ordered that:**

1. The tenancy between the Landlord and Tenant is terminated. The Tenant must move out of the rental unit on or before March 31, 2023.
2. If the unit is not vacated on or before March 31, 2023, then starting April 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 April 1, 2023.



**February 23, 2023**

**Date Issued**

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**Trish Carson**

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.

The tenant has until March 5, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenant files the motion by March 5, 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 October 1, 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.