



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

**File Number:** SWL-53596-21-SA

**In the matter of:** 6, 74 ELLIS STREET WEST  
WINDSOR ON N8X1A9

**Between:** Stephanie Tripp Landlord

**and**

Gail Davis Tenants  
Tony Aka Anthony Davis

Stephanie Tripp (the 'Landlord') applied for an order to terminate the tenancy and evict Gail Davis and Tony Aka Anthony Davis (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy. That application was resolved by order SWL-53596-21 issued on August 16, 2021.

The Tenants filed a motion to set aside order SWL-53596-21.

This motion was heard in Passcode: 910 9539 0063# on November 10, 2021. Only the Landlord, represented by Kira Passell attended the hearing.

**Determinations:**

1. The Tenant did not attend the hearing to defend the motion.
2. At the hearing the Landlord's representative requested costs based on the following reasons. At the time the Tenant agreed to terminate the tenancy the Landlord agreed to withdraw the non-payment of rent application filed with the Board. The Tenant has made on rent payments since signing the agreement on July 30, 2021. The Tenant now owes the Landlord \$5,700.00 in rent. The Landlord also paid the Tenant \$4,110.00 in compensation for agreeing to vacate the unit. The Tenant has not vacated the rental unit. The Landlord testified that the Tenant had assured her she was leaving.
3. Under the circumstances, I find the request for costs are reasonable. The Landlord's representative requested \$700.00.

**It is ordered that:**

1. The motion to set aside Order SWL-53596-21, issued on August 16, 2021, is denied.

2. The stay of order SWL-53596-21 is lifted immediately.
3. Order SWL-53596-21 is unchanged.
4. The Tenant shall pay to the Landlord \$700.00 in costs.
5. The Landlord has the right to collect the full amount at any time.
6. If the Tenant does not pay the full amount owing by November 23, 2021 the Tenant will owe interest. This will be simple interest calculated at 2% annually on the outstanding balance.



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**Greg Joy**  
Member, Landlord and Tenant Board

**November 12, 2021**  
**Date Issued**

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.