



Order under Section 77 Residential Tenancies Act, 2006

Citation: Alvarez v Fraser, 2023 ONLTB 16555

Date: 2023-01-27

File Number: LTB-L-077000-22

In the matter of: 18 Leeds Street
Toronto ON M6G1N7

Between: Manuel Alvarez Landlord

And

Paul Benton Tenants
Sean Fraser

Manuel Alvarez (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Benton and Sean Fraser (the 'Tenants') because the Tenants gave notice to terminate the tenancy.

On January 6, 2023, this application was directed to hearing because additional clarifying information was required.

The application was heard by video conference on January 19, 2023.

Only the Landlord attended the hearing. The Board couriered the Notices to each of the Tenants on January 9, 2023 and none of that mail was returned as undelivered. On January 6, 2023 the Landlord also informed the Tenants about the hearing date. There was no request to reschedule the hearing. The application proceeded based only on the Landlord's evidence.

Determinations:

1. The Tenants gave the Landlord an N9 Notice to terminate the tenancy effective November 30, 2022. The Landlord stated that he first received N9 Notice signed by Paul Benton the morning of November 5, 2022 and he went to the rental unit that evening when Sean Fraser signed the same N9 Notice from his truck. A copy of the second N9 Notice signed by both Tenants has been provided to the Board. I am satisfied the N9 Notice substantially complies with the legal requirements of a legal notice of termination as set out in section 43 of the Act.
2. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants are still in possession of the rental unit. This is a longstanding tenancy. I inferred by the Tenants absence that they are not interested in preserving this tenancy since they did not attend the hearing to challenge this application.



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 7, 2023.
2. If the unit is not vacated on or before February 7, 2023, then starting February 8, 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 February 8, 2023.

January 27, 2023
Date Issued

Sandra Macchione
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.