



File Number: SOL-23852-21

In the matter of: 1, 65 GEORGE STREET
ST CATHARINES ON L2R5N8

Between: Phan Trieu Landlord

and

Ervin Ens Tenant

On August 9, 2021, Phan Trieu (the 'Landlord') applied for an order to terminate the tenancy and evict Ervin Ens (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

Determinations:

1. The Landlord and the Tenant signed an agreement to terminate the tenancy as of August 31, 2021.
2. The Landlord's L3 application is based upon a valid notice of termination given by the Tenant. Where such a notice is given, the Landlord, either before or after the termination date set out in the notice, has the right to seek an order prior to the termination date, they do so to secure their position, rather than seeking termination based upon the Tenant's failure to vacate in accordance with the notice given. As such, it is not reasonable that the tenant bears the costs of the application. The costs of filing the application will not be ordered.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before November 5, 2021.
2. If the unit is not vacated on or before November 5, 2021, then starting November 6, 2021, 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 November 6, 2021.

October 25, 2021
Date Issued



Jim McMaster
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

The tenant has until November 4, 2021 to file a motion with the Board to set aside the order under s. 77(6) of the Act. If the tenant files the motion by November 4, 2021 the order will be stayed and the Board will schedule a hearing.

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 May 6, 2022 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.