



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

**File Number:** TNL-34903-21

**In the matter of:** 2, 70 WENDELL AVENUE  
NORTH YORK ON M9N3K7

**Between:** Antonietta Gervasi Landlord  
  
**and**  
  
Sandy Wilson Tenant

On September 14, 2021, Antonietta Gervasi (the 'Landlord') applied for an order to terminate the tenancy and evict Sandy Wilson (the 'Tenant') because the Tenant gave a notice to terminate the tenancy.

**Determinations:**

1. The Tenant gave the Landlord a notice to terminate the Tenant's tenancy effective September 30, 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 October 18, 2021.
2. If the unit is not vacated on or before October 18, 2021, then starting October 19, 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 October 19, 2021.

**October 7, 2021**

**Date Issued**



Kimberly Parish  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

The tenant has until October 17, 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 October 17, 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 April 19, 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.