



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

**Citation:** Everett v Lindsay, 2023 ONLTB 45194

**Date:** 2023-06-26

**File Number:** LTB-L-046310-23

**In the matter of:** 4169 PALERMO COMMON  
BURLINGTON ON L7T0G7

**Between:** ANNA EVERETT Landlord  
THOMAS KEANEY

**And**

JOHN LINDSAY Tenant

Anna Everett and Thomas Keaney (the 'Landlord') applied for an order to terminate the tenancy and evict John Lindsay (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 August 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 August 31, 2023.
2. If the unit is not vacated on or before August 31, 2023, then starting September 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 September 1, 2023.

**June 26, 2023**

**Date Issued**

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

**Trish Carson**

Member, Landlord and Tenant Board

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

The tenant has until July 6, 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 July 6, 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 March 1, 2024, 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.