



Order under Section 77 Residential Tenancies Act, 2006

Citation: Prescott v Tony, 2023 ONLTB 44123

Date: 2023-06-22

File Number: LTB-L-013761-23

In the matter of: BSMT, 87 BURCHER RD
Ajax ON L1S2R3

Between: Daniel Prescott Landlord
Sheri Prescott

And

John Tony Justin Tenant

On February 12, 2023, Daniel Prescott and Sheri Prescott (the 'Landlord') applied for an order to terminate the tenancy and evict John Justin Tony (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 March 20, 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 July 3, 2023.
2. If the unit is not vacated on or before July 3, 2023, then starting July 4, 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 July 4, 2023.

June 22, 2023
Date Issued

Ian Speers
Associate Chair, 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.

The tenant has until July 2, 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 2, 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 January 4, 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.