



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

**Citation:** Marsillo v Neath, 2023 ONLTB 42832

**Date:** 2023-06-21

**File Number:** LTB-L-043023-23

**In the matter of:** 26 COTTON GRASS ST  
KITCHENER ON N2E3T6

**Between:** DAVID MARSILLO Landlord

**And**

DAMEN NEATH Tenants  
LISA NEATH

David Marsillo (the 'Landlord') applied for an order to terminate the tenancy and evict Damen Neath and Lisa Neath (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Landlord and Tenants entered into an agreement to terminate the tenancy as of June 4, 2023.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenants to pay the application filing fee as costs.

**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 July 2, 2023.

2. If the unit is not vacated on or before July 2, 2023, then starting July 3, 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 3, 2023.

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**File Number:** LTB-L-043023-23

**June 21, 2023**

**Date Issued**

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**Trish Carson**

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.

The tenants have until July 1, 2023, to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenants file the motion by July 1, 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 3, 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.

