



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

**Citation:** MacKeen v Chitan, 2023 ONLTB 43464

**Date:** 2023-06-20

**File Number:** LTB-L-042862-23

**Between:** Bryan Ladyk Landlords  
**In the matter of:** 1214, 150 Sudbury St Toronto  
ON M5J3S8  
Laurie MacKeen

**And**

Bryan Ladyk and Jeremy Chitan Tenants  
Laurie MacKeen (the Jerome Chitan  
'Landlords') applied for an order to terminate the tenancy and evict Jeremy Chitan and Jerome Chitan (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 Landlords and Tenants entered into an agreement to terminate the tenancy as of May 14, 2023 and the Tenants did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenants did not move out of the rental unit by the termination date, the Landlords was required to file the application to obtain vacant possession. Therefore, the Tenants are responsible for paying the Landlords for the \$186.00 application filing fee incurred.

**It is ordered that:**

1. The tenancy between the Landlords and Tenants is terminated. The Tenants must move out of the rental unit on or before July 1, 2023.
2. If the unit is not vacated on or before July 1, 2023, then starting July 2, 2023, the Landlords 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 Landlords on or after July 2, 2023.

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4. The Tenants shall pay to the Landlords \$186.00, for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing on or before July 1, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 2, 2023 at 6.00% annually on the balance outstanding.

**June 20, 2023**

**Date Issued**

**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 June 30, 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 June 30, 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 2, 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.

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