



## Order under Section 77(8) Residential Tenancies Act, 2006

**Citation:** Tabatabaei-Khorasgani v Blackmore, 2023 ONLTB 39691

**Date:** 2023-05-25 **File Number:**  
LTB-L-012908-23-SA

**In the matter of:** A, 75 BRONTE CRES BARRIE  
ON L4N5P7

**Between:** Seyyed Amir Tabatabaei-Khorasgani Landlord

**And**

Arissa-Lynn Bond Tenants  
Bradley Blackmore

Seyyed Amir Tabatabaei-Khorasgani (the 'Landlord') applied for an order to terminate the tenancy and evict Arissa-Lynn Bond and Bradley Blackmore (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-012908-23, issued on April 13, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-012908-23.

The motion was heard by videoconference on May 8, 2023. The Landlord the Landlord's Legal Representative, Joan Henderson, and the Tenants attended the hearing. The Tenants spoke with Duty Counsel prior to the hearing.

### **Determinations:**

1. The Landlord and Tenants entered into an agreement to terminate the tenancy as of February 5, 2023.
2. The agreement was voluntary. It was reached after the Tenants gave notice to vacate on August 26, 2022 and after the Landlord paid the Tenants \$2,500.00 as consideration to help with moving costs. There was no mistake, fraud, duress or misrepresentation involved in reaching the agreement.
3. The Tenants say that they had found a place but their future landlord got cold feet and backed out of the agreement. The Tenants request time to May 31, 2023 to move.

4. Given the above, I find that it would be unfair to set aside the order. The Tenants have had a long-standing intention to move, they received compensation from the Landlord, and do not demonstrate an intention to stay.
5. Accordingly, the Tenants' motion is denied.

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6. The stay of order LTB-L-012908-23 is lifted on May 31, 2023.

**It is ordered that:**

1. The motion to set aside Order LTB-L-012908-23, issued on April 13, 2023, is denied.
2. The stay of Order LTB-L-012908-23 is lifted on May 31, 2023.
3. Order LTB-L-012908-23 is unchanged.

**May 25, 2023**

**Date Issued**

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Khalid Akram

Member, Landlord and Tenants 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.

