



Order under Section 77 Residential Tenancies Act, 2006

Citation: Kim v Berki, 2023 ONLTB 40328

Date: 2023-05-24

File Number: LTB-L-036529-23

In the matter of: 1, 612 TRETHERWEY DR
NORTH YORK ON M6M4C3

Between: Rina Kim Landlord

And

Zoltan Berki Tenants
Zoltanne Berki

Rina Kim (the 'Landlord') applied for an order to terminate the tenancy and evict Zoltan Berki and Zoltanne Berki (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 May 31, 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 June 4, 2023.
2. If the unit is not vacated on or before June 4, 2023, then starting June 5, 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 June 5, 2023.

May 24, 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 3, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the Tenants files the motion by June 3, 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 December 5, 2023 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.

2023 ONLTB 40328 (CanLII)