



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

**Citation:** Judd v Elliott, 2023 ONLTB 40320

**Date:** 2023-05-24

**File Number:** LTB-L-036544-23

**In the matter of:** 204, 8 Pearl Street  
Smiths Falls ON K7A5B5

**Between:** Esther Judd Landlord

**And**

Colin Elliott Tenant

Esther Judd (the 'Landlord') applied for an order to terminate the tenancy and evict Colin Elliott (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 April 15, 2023 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenant did not move out of the rental unit by the termination date, the Landlord was required to file the application to obtain vacant possession. Therefore, the Tenants are responsible for paying the Landlord for the \$186.00 application filing fee incurred.

**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 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.
4. The Tenant shall pay to the Landlord \$186.00, for the cost of filing the application.

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5. If the Tenant does not pay the Landlord the full amount owing on or before June 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 5, 2023 at 6.00% annually on the balance outstanding.

**May 24, 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 tenant has 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 tenant 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.

