



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

**Citation:** Runa Das v Brian Vegas, 2023 ONLTB 38377

**Date:** 2023-05-19

**File Number:** LTB-L-011269-23

**In the matter of:** Basement, 245 SAINT HELENS AVE  
Toronto ON M6H4A2

**Between:** Runa Das Landlord

**And**

Brian Vegas Tenant

Runa Das (the 'Landlord') applied for an order to terminate the tenancy and evict Brian Vegas (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

A hearing was held to consider this application.

This application was heard by videoconference on May 11, 2023. Only The Landlord, represented by Marc Goldrub, attended the hearing.

As of 10:30am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

### **Determinations:**

1. The Landlord and Tenant signed an N11 agreement to terminate the tenancy as of March 1, 2023.
2. Based on the uncontested testimony, I find the Tenant agreed to terminate the tenancy on March 1, 2023 and that the Tenant did not vacate the rental unit.
3. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**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 May 30, 2023.

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2. If the unit is not vacated on or before May 30, 2023, then starting May 31, 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 May 31, 2023.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of the application.
5. If the Tenant does not pay the full amount owing by May 30, 2023 the Tenant will owe interest. This will be simple interest calculated at 6% annually on the outstanding balance.

**May 19, 2023**

**Date Issued**

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Greg Joy

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 1-888-3323234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 30, 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.

