



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

**Citation:** Stewart v Kennedy, 2023 ONLTB 38196

**Date:** 2023-05-17

**File Number:** LTB-L-036862-23

**In the matter of:** 10 BARLOW RD  
SCARBOROUGH ON M1G2B4

**Between:** Ujima Stewart Landlord

**And**

David Kennedy Tenant

Ujima Stewart (the 'Landlord') applied for an order to terminate the tenancy and evict David Kennedy (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 30, 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 Tenant is 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 May 28, 2023.
2. If the unit is not vacated on or before May 28, 2023, then starting May 29, 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 29, 2023.

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

Order Page 1 of 2

**File Number:** LTB-L-036862-23

5. If the Tenant does not pay the Landlord the full amount owing on or before May 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 29, 2023 at 6.00% annually on the balance outstanding.

**May 17, 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 Tenant has until May 27, 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 May 27, 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 November 29, 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.

Order Page 2 of 2