



Order under Section 77 Residential Tenancies Act, 2006

Citation: McCallum v Marseille, 2023 ONLTB 37741

Date: 2023-05-16

File Number: LTB-L-036204-23

In the matter of: 52 Bernick Drive
Barrie Ontario L4M 2V5

Between: Brian McCallum Landlord

And

Sean Marseille Tenant

Brian McCallum (the 'Landlord') applied for an order to terminate the tenancy and evict Sean Marseille (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 1, 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 \$201.00 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 27, 2023.
2. If the unit is not vacated on or before May 27, 2023, then starting May 28, 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 28, 2023.
4. The Tenant shall pay to the Landlord \$201.00, for the cost of filing the application.

5. If the Tenant does not pay the Landlord the full amount owing on or before May 27, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 28, 2023 at 6.00% annually on the balance outstanding.

May 16, 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 26, 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 26, 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 28, 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.