



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

**Citation:** Linden v Despatie, 2023 ONLTB 36412

**Date:** 2023-05-10

**File Number:** LTB-L-025957-23

**In the matter of:** MAIN FLOOR- ENTRY LEVEL ROOM, 51  
GRAHAM CREEK PVT  
NEPEAN ON K2H0A1

**Between:** Tanya-Marie Linden Landlord

**And**

Claude Noel Joseph Despatie Tenant

Tanya-Marie Linden (the 'Landlord') applied for an order to terminate the tenancy and evict Claude Noel Joseph Despatie (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 May 20, 2023.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenant to pay the application filing fee as costs.

**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 21, 2023.
2. If the unit is not vacated on or before May 21, 2023, then starting May 22, 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 22, 2023.

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2023 ONL TB 36412 (CanLII)

**May 10, 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 May 20, 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 20, 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 22, 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.

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