



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

**Citation:** 62 BSE INC v Dyer, 2023 ONLTB 36378

**Date:** 2023-05-10

**File Number:** LTB-L-026057-23

**In the matter of:** 74 BARTON ST E  
HAMILTON ON L8L2V9

**Between:** 62 BSE INC Landlord  
**And**  
Mark Zglinicki Tenants  
Russell Dyer

62 BSE INC (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Zglinicki and Russell Dyer (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Landlord and Tenants entered into an agreement to terminate the tenancy as of February 28, 2023, and the Tenants did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenants 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 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 Tenants is terminated. The Tenants 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.
4. The Tenants shall pay to the Landlord \$186.00, for the cost of filing the application.

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5. If the Tenants does not pay the Landlord the full amount owing on or before May 21, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 22, 2023, at 6.00% annually on the balance outstanding.

**May 10, 2023**

**Date Issued**

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**Trish Carson**  
Member, Landlord and Tenants 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 Tenants have 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 Tenants 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.

