



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

Citation: The Estate of Barbara Magee v Rutherford, 2023 ONLTB 36082

Date: 2023-05-10

File Number: LTB-L-025055-23

2023 ONLTB 36082 (CanLII)

In the matter of: 8 BEATTY ST
PARRY SOUND ON P2A2H6

Between: The Estate of Barbara Magee Landlord

And

Kathy Rutherford Tenant

The Estate of Barbara Magee (the 'Landlord') applied for an order to terminate the tenancy and evict Kathy Rutherford (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 June 1, 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 June 1, 2023.
2. If the unit is not vacated on or before June 1, 2023, then starting June 2, 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 June 2, 2023.
- 4.

Order Page 1 of 2

File Number: LTB-L-025055-23

May 10, 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 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 December 2, 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.

