



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

**Citation:** Erwin v Stymiest, 2023 ONLTB 36448

**Date:** 2023-05-09

**File Number:** LTB-L-026430-23

**In the matter of:** A- LOWER UNIT, 58 SHORT ST  
WATERLOO ON N2L1Y1

**Between:** Erik Erwin Landlord

**And**

Steven Stymiest Tenant

Erik Erwin (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Stymiest (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.
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 20, 2023.
2. If the unit is not vacated on or before May 20, 2023, then starting May 21, 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 21, 2023.

**File Number:** LTB-L-026430-23

**May 9, 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 19, 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 19, 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 21, 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.

