



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

**Citation:** Su v Klein-Horsman, 2023 ONLTB 35487

**Date:** 2023-05-09

**File Number:** LTB-L-022710-23

**In the matter of:** 567 GRASSLANDS CRT  
WATERLOO ON N2V2R5

**Between:** Di Su Landlord

**And**

Daniel Klein-Horsman Tenants  
Kyle Power

Di Su (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel KleinHorsman and Kyle Power (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 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.
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 do not pay the Landlord the full amount owing on or before May 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 21, 2023 at 6.00% annually on the balance outstanding.

**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 Tenants have 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 Tenants file 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.

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