



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** 966129 Ontario Inc v Vautour, 2023 ONLTB 34912

**Date:** 2023-05-08

**File Number:** LTB-L-020519-23

**In the matter of:** 34 SURREY ST WEST  
GUELPH ON N1H3R4

**Between:** 966129 Ontario Inc c/o Franca Haley Landlord

**And**

Kelvin Vautour Tenants  
Morgan Fernandes  
Sean Herkimer  
Tristan Elkin

966129 Ontario Inc c/o Franca Haley (the 'Landlord') applied for an order to terminate the tenancy and evict Kelvin Vautour, Morgan Fernandes, Sean Herkimer and Tristan Elkin (the 'Tenants') because the Tenants gave notice to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Tenants gave the Landlord notice to terminate the tenancy effective 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 Tenants to pay the application filing fee as costs.

**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 19, 2023.
2. If the unit is not vacated on or before May 19, 2023, then starting May 20, 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 20, 2023.

**May 8, 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 has until May 18, 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 18, 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 20, 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.