



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

Citation: Merriman v Holden, 2023 ONLTB 35531

Date: 2023-05-05

File Number: LTB-L-023075-23

In the matter of: 1, 37 John Street
Brockville ON K6V5A6

Between: Kathy Merriman Landlord

And

James Holden Tenant

Kathy Merriman (the 'Landlord') applied for an order to terminate the tenancy and evict James Holden (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 March 16, 2023 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
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 filling 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 16, 2023.

2. If the unit is not vacated on or before May 16, 2023, then starting May 17, 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 17, 2023.

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File Number: LTB-L-023075-23

May 5, 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 15, 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 15, 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 17, 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.

