



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

**Citation:** McDowell v Duthie, 2023 ONLTB 34106

**Date:** 2023-05-02

**File Number:** LTB-L-020261-23

**In the matter of:** 1622 CENTRAL ST  
CLAREMONT ON L1Y1B2

**Between:** Lindsey McDowell Landlord

**And**

Brittany Duthie  
Helen Duthie  
Michael Hewitt  
Tenants

Lindsey McDowell (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany Duthie, Helen Duthie and Michael Hewitt (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 May 1, 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 13, 2023.
2. If the unit is not vacated on or before May 13, 2023, then starting May 14, 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 14, 2023.

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2023 ONL TB 34106 (CanLII)

**May 2, 2023**

**Date Issued**

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**Trish Carson**

Member, Landlord and Tenants 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 12, 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 12, 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 14, 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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