



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

**Citation:** Salar Nowbari v Paul Tomkinson, 2023 ONLTB 33774

**Date:** 2023-04-27

**File Number:** LTB-L-016232-23

**In the matter of:** 3 ARCHER ST  
BARRIE ON L4N6X5

**Between:** Salar Nowbari Landlords  
Sirous Noubary

**And**

Paul Tomkinson Tenant

Salar Nowbari and Sirous Noubary (the 'Landlords') applied for an order to terminate the tenancy and evict Paul Tomkinson (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 Landlords and Tenant entered into an agreement to terminate the tenancy as of February 21, 2023 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenant did not move out of the rental unit by the termination date, the Landlords was required to file the application to obtain vacant possession. Therefore, the Tenants are responsible for paying the Landlords for the \$186.00 application filing fee incurred.

### **It is ordered that:**

1. The tenancy between the Landlords and Tenant is terminated. The Tenant must move out of the rental unit on or before May 8, 2023.
2. If the unit is not vacated on or before May 8, 2023, then starting May 9, 2023, the Landlords 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 Landlords on or after May 9, 2023.
4. The Tenant shall pay to the Landlords \$186.00, for the cost of filing the application.

5. If the Tenant does not pay the Landlords the full amount owing on or before May 8, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 9, 2023 at 6.00% annually on the balance outstanding.

**April 27, 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 7, 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 7, 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 9, 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.