



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

Citation: 2313745 Ontario Inc. v Shawayahamish, 2023 ONLTB 33183

Date: 2023-04-25

File Number: LTB-L-017560-23

In the matter of: 1, 242 DELL ST SUDBURY
ON P3C2Y6

Between: 2313745 Ontario Inc Landlord

And

Ashley Shawayahamish Tenants
Kevin Ogushing

2313745 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Shawayahamish and Kevin Ogushing (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 January 31, 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 were 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 6, 2023.
2. If the unit is not vacated on or before May 6, 2023, then starting May 7, 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 7, 2023.
4. The Tenants shall pay to the Landlord \$186.00, for the cost of filing the application.
5. If the Tenants does not pay the Landlord the full amount owing on or before May 6, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 7, 2023 at 6.00% annually on the balance outstanding.

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April 25, 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 Tenants have until May 5, 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 5, 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 7, 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.

