



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

**Citation:** Native People of Sudbury Development Corporation v Wemigwans, 2023 ONLTB 33007

**Date:** 2023-04-24

**File Number:** LTB-L-014639-23

**In the matter of:** UPPER UNIT, 77 HYLAND DRIVE  
SUDBURY ON P3E1R7

**Between:** Native People of Sudbury Development Corporation Landlord

**And**

Marissa Wemigwans Tenant

Native People of Sudbury Development Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Marissa Wemigwans (the 'Tenant') because the Tenant gave notice to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Tenant gave the Landlord notice to terminate the tenancy effective March 31, 2023.
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 filing 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 5, 2023.
2. If the unit is not vacated on or before May 5, 2023, then starting May 6, 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 6, 2023.

2023 ONLTB 33007 (CanLII)

**April 24, 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 4, 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 4, 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 6, 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.