



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

Citation: Homestead Land Holdings Limited v Barclay, 2023 ONLTB 32863

Date: 2023-04-24

File Number: LTB-L-014643-23

In the matter of: 605, 450 HIGHLAND AVE LONDON
ON N6C5E1

Between: Homestead Land Holdings Limited Landlord

And

Lisa Barclay Tenant

On February 25, 2023, Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Lisa Barclay (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 February 28, 2023, the said notice being given on January 24, 2023. While the notice may have been defective as it was given on less than 60 days notice, contrary to section 44 of the Residential Tenancies Act, 2006, the Landlord has by the contents of the declaration submitted with this application expressly affirmed that it has accepted the Tenant's notice as an offer to terminate the tenancy. The Landlord and the Tenant have therefore agreed to end the tenancy on February 28, 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.

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April 24, 2023

Date Issued

Ian Speers

Associate Chair, 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.

