



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

**Citation:** METCAP Living Management Inc. v Niu, 2023 ONLTB 31182

**Date:** 2023-04-14

**File Number:** LTB-L-012864-23

**In the matter of:** 813, 105 ISABELLA ST  
TORONTO ON M4Y1N9

**Between:** METCAP Living Management Inc Landlord

**And**

Fenghua Wei Tenants  
Zhen Niu

METCAP Living Property Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Fenghua Wei and Zhen Niu (the 'Tenants') because the Tenants gave notice to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Tenants 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 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 April 25, 2023.
2. If the unit is not vacated on or before April 25, 2023, then starting April 26, 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 April 26, 2023.

**File Number:** LTB-L-012864-23

**April 14, 2023**

**Date Issued**

**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 April 24, 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 April 24, 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 October 26, 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.

