



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

**Citation:** Pustelnik v Ellis, 2023 ONLTB 30936

**Date:** 2023-04-13

**File Number:** LTB-L-012543-23

**In the matter of:** 138 BURLINGTON ST E  
HAMILTON ON L8L4G9

**Between:** Gail Pustelnik Landlords  
Ioannis Margaritis

**And**

David Ellis Tenants  
Kym Ellis

Gail Pustelnik and Ioannis Margaritis (the 'Landlords') applied for an order to terminate the tenancy and evict David Ellis and Kym Ellis (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 Landlords and Tenants entered into an agreement to terminate the tenancy as of 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 Tenants to pay the application filing fee as costs.

**It is ordered that:**

1. The tenancy between the Landlords and Tenants is terminated. The Tenants must move out of the rental unit on or before April 24, 2023.
2. If the unit is not vacated on or before April 24, 2023, then starting April 25, 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 April 25, 2023.

**April 13, 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 April 23, 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 23, 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 25, 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.