



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

**Citation:** Estrada v Mischuk, 2023 ONLTB 30499

**Date:** 2023-04-12

**File Number:** LTB-L-011700-23

**In the matter of:** 35 BUTCHER CRES  
BRANTFORD ON N3T0P2

**Between:** Angelina Estrada Landlords  
Anthony Bennett

**And**

Tammy Mischuk Tenants  
Torek Fraser

2023 ONLTB 30499 (CanLII)

Angelina Estrada and Anthony Bennett (the 'Landlords') applied for an order to terminate the tenancy and evict Tammy Mischuk and Torek Fraser (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 March 15, 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 23, 2023.
2. If the unit is not vacated on or before April 23, 2023, then starting April 24, 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 24, 2023.

**April 12, 2023**  
**Date Issued**

*Michael Di Salle*  
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Michael Di Salle  
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 22, 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 22, 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 24, 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.