



Order under Section 77 Residential Tenancies Act, 2006

Citation: Joecr v Cooney, 2023 ONLTB 25963

Date: 2023-03-14 **File**

Number: LTB-L-003963-23

In the matter of: 98 SLUSE RD
HOLLAND LANDING ON L9N1G8

Between: Joecr and Crupi's East Gwillimbury Investment Ltd. (CEGI) Landlord

And

Lise Morand Tenants
Mark Cooney
Michelle Cooney

Joecr and Crupi's East Gwillimbury Investment Ltd. (CEGI) (the 'Landlord') applied for an order to terminate the tenancy and evict Lise Morand, Mark Cooney and Michelle Cooney (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

A hearing was held to consider this application.

This application was heard by videoconference on March 6, 2023. Only the Landlord's agent Joe Crupi attended the hearing. As of 2:03pm, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord and Tenants entered into an agreement to terminate the tenancy as of April 30, 2023. The Tenant Michelle Cooney and the Landlord's agent signed an N11 notice on January 5, 2023.
2. The Landlord's agent testified that the Tenant Michelle Cooney holds Power of Attorney for the other two Tenants, who are her mother and brother and as such, the Landlord accepted the N11 notice with Michelle Cooney's signature only.

3. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would not be unfair to postpone the eviction until April 30, 2023 pursuant to subsection 83(1)(b) of the Act.

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4. The Tenants were not present at the hearing to dispute the Landlord's evidence or to provide the Board with evidence showing that their circumstances and/or intentions have changed since signing the N11 notice. As such, the tenancy will terminate in accordance with the N11 notice.

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 Apr 30, 2023.
2. If the unit is not vacated on or before Apr 30, 2023, then starting May 1, 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 1, 2023.

March 14, 2023

Date Issued

Fabio Quattrociochi

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 1-888-3323234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 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.