



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

**Citation:** Sears v Pomponi, 2023 ONLTB 20939

**Date:** 2023-02-17

**File Number:** LTB-L-006446-23

**In the matter of:** 90 CROMWELL CRES  
HAMILTON ON L8G2G2

**Between:** Ryan Lewis Gregory Sears Landlords  
William Lewis Sears

**And**

Jodie Jackson Tenants  
John Pomponi

Ryan Lewis Gregory Sears and William Lewis Sears (the 'Landlords') applied for an order to terminate the tenancy and evict Jodie Jackson and John Pomponi (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 December 31, 2022 and the Tenants did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenants did not move out of the rental unit by the termination date, the Landlords was required to file the application to obtain vacant possession. Therefore, the Tenants are responsible for paying the Landlords for the \$186.00 application filing fee incurred.

**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 February 28, 2023.
2. If the unit is not vacated on or before February 28, 2023, then starting March 1, 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 March 1, 2023.



4. The Tenants shall pay to the Landlords \$186.00, for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing on or before February 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

**February 17, 2023**

**Date Issued**

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**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 February 27, 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 February 27, 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 September 1, 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.