



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

Citation: Tharani v Kendell, 2023 ONLTB 20848

Date: 2023-02-17

File Number: LTB-L-005517-23

In the matter of: 89 MAUD ST
WOODSTOCK ON N4S3Y5

Between: Alzahir Tharani Landlords
Inayat Tharani

And

Dale Kendell Tenants
Lisa Irvine

Alzahir Tharani and Inayat Tharani (the 'Landlords') applied for an order to terminate the tenancy and evict Dale Kendell and Lisa Irvine (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 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.



February 17, 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 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.