



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

**Citation:** Symphotech Consulting Inc. v Osmer, 2023 ONLTB 20364

**Date:** 2023-02-14

**File Number:** LTB-L-002181-23

**In the matter of:** 217, 6363 WYANDOTTE ST E  
WINDSOR ON N8S1N8

**Between:** Symphotech Consulting Inc. Landlord

**And**

Adam Michael James Osmer Tenant

Symphotech Consulting Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Adam Michael James Osmer (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

### **Determinations:**

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of December 31, 2022 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenant did not move out of the rental unit by the termination date, the Landlord was required to file the application to obtain vacant possession. Therefore, the Tenant is responsible for paying the Landlord for the \$186.00 application filing fee incurred.

### **It is ordered that:**

1. The tenancy between the Landlord and Tenant is terminated. The Tenant must move out of the rental unit on or before February 25, 2023.
2. If the unit is not vacated on or before February 25, 2023, then starting February 26, 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 February 26, 2023.
4. The Tenant shall pay to the Landlord \$186.00, for the cost of filing the application.



5. If the Tenant does not pay the Landlord the full amount owing on or before February 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 26, 2023 at 5.00% annually on the balance outstanding.

**February 14, 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 tenant has until February 24, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenant files the motion by February 24, 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 August 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.