



Order under Section 77 Residential Tenancies Act, 2006

Citation: Gustavo Salcedo v Wangar Kiriba, 2023 ONLTB 19944

Date: 2023-02-13

File Number: LTB-L-001204-23

In the matter of: 5, 53 ALLANBURG RD
ST CATHARINES ON L2T3Z2

Between: Jose Gustavo Salcedo Landlords
Nelly Suarez

And

Margaret Wangar Kiriba Tenant

Jose Gustavo Salcedo and Nelly Suarez (the 'Landlords') applied for an order to terminate the tenancy and evict Margaret Wangar Kiriba (the 'Tenant') because the Tenant gave notice to terminate the tenancy.

This application was considered without a hearing being held.

Determinations:

1. The Tenant gave the Landlords notice to terminate the tenancy effective December 31, 2022 and the Tenant did not move out of the rental unit by the termination date set out in the notice.
2. Since the Tenant did not move out of the rental unit by the termination date, the Landlords were required to file the application to obtain vacant possession. Therefore, the Tenant is responsible for paying the Landlords for the \$186.00 application filing fee incurred.

It is ordered that:

1. The tenancy between the Landlords and Tenant is terminated. The Tenant must move out of the rental unit on or before February 24, 2023.
2. If the unit is not vacated on or before February 24, 2023, then starting February 25, 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 February 25, 2023.
4. The Tenant shall pay to the Landlords \$186.00, for the cost of filing the application.



5. If the Tenant does not pay the Landlords the full amount owing on or before February 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 25, 2023 at 5.00% annually on the balance outstanding.

February 13, 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 tenant has until February 23, 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 23, 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 25, 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.