



Order under Section 77 Residential Tenancies Act, 2006

Citation: Balaj v Calder, 2023 ONLTB 19904

Date: 2023-02-13

File Number: LTB-L-000627-23

In the matter of: 397 CARLTON ST
ST CATHARINES ON L2M4W7

Between: Veronica Balaj Landlord

And

Fred McCauley Tenants
Stacy Calder

Veronica Balaj (the 'Landlord') applied for an order to terminate the tenancy and evict Fred McCauley and Stacy Calder (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 Landlord 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 Landlord was required to file the application to obtain vacant possession. Therefore, the Tenants 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 Tenants is terminated. The Tenants 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 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 25, 2023.
4. The Tenants shall pay to the Landlord \$186.00, for the cost of filing the application.



5. If the Tenants do not pay the Landlord the full amount owing on or before February 24, 2023, the Tenants 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 Tenants have 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 Tenants file 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.