



Order under Section 77 Residential Tenancies Act, 2006

Citation: Dirienzo v Wilson, 2023 ONLTB 19681

Date: 2023-02-10

File Number: LTB-L-081639-22

In the matter of: LOWER APT, 741 SUNNYPPOINT DR
NEWMARKET ON L3Y2Z7

Between: Elio Dirienzo
Joe Vaira
Maria S Vaira
Maria T Vaira

Landlords

And

Shirley Wilson

Tenant

Elio Dirienzo, Joe Vaira, Maria S Vaira and Maria T Vaira (the 'Landlords') applied for an order to terminate the tenancy and evict Shirley Wilson (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 Landlords and Tenant entered into an agreement to terminate the tenancy as of November 30, 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 Landlords was 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 21, 2023.
2. If the unit is not vacated on or before February 21, 2023, then starting February 22, 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 22, 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 21, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 22, 2023 at 5.00% annually on the balance outstanding.

February 10, 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 20, 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 March 20, 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 22, 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.