



Order under Section 77 Residential Tenancies Act, 2006

Citation: Foundation Capital Holdings Ltd. v Cavanaugh, 2023 ONLTB 19521

Date: 2023-02-10

File Number: LTB-L-080133-22

In the matter of: 2, 981 BARTON ST E
HAMILTON ON L8L3C8

Between: Foundation Capital Holdings Ltd. Landlord

And

Kalvin Cavanaugh Tenant

On December 21, 2022, Foundation Capital Holdings Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Calvin Cavanaugh (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 May 31, 2023.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenant to pay the application filing fee as costs.

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 May 31, 2023.
2. If the unit is not vacated on or before May 31, 2023, then starting June 1, 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 June 1, 2023.

February 10, 2023
Date Issued

Ian Speers
Associate Chair, 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 February 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 December 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.