



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

Citation: EMMONS and SHARPE v FOSTER, 2023 ONLTB 18644

Date: 2023-02-09

File Number: LTB-L-077399-22

In the matter of: 75 SHERIDAN STREET
BRANTFORD ON N3T2R1

Between: CHRIS EMMONS Landlords
ROB SHARPE

And

ROBERT FOSTER Tenant

CHRIS EMMONS ('CE') and ROB SHARPE ('RS', the 'Landlords') applied for an order to terminate the tenancy and evict ROBERT FOSTER (the 'Tenant') because the Tenant entered an agreement to terminate the tenancy.

This application was heard by videoconference on January 30, 2023.

Only the Landlord RS and the Landlords' legal representative Courtney Boyd attended the hearing.

As of 9:20AM, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord RS submitted evidence of text messages with the Tenant. The text messages show that RS and the Tenant agreed to terminate the tenancy effective January 1, 2023.
2. At the hearing, RS testified that he attended at the rental unit on January 5, 2023 and observed that the Tenant and all occupants of the rental unit had vacated the rental unit. RS further testified that he stored personal property the Tenant and occupants abandoned.
3. Based on the evidence, I find that the Tenant vacated the rental unit on or before January 5, 2023.

It is ordered that:

1. The tenancy between the Landlords and Tenant is terminated. The Tenant vacated the rental unit on or before January 5, 2023.

February 9, 2023

Date Issued

Harry Cho

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.