



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** Alvarez v Fraser, 2023 ONLTB 18382

**Date:** 2023-02-06

**File Number:** LTB-L-076932-22

**In the matter of:** 18 LEEDS ST  
TORONTO ON M6G1N7

**Between:** Manuel Alvarez Landlord

**And**

Paul Benton Tenants  
Sean Fraser

Manuel Alvarez (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Benton and Sean Fraser (the 'Tenants') because the Tenants gave notice to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Tenants gave the Landlord notice to terminate the tenancy effective November 30, 2022 and the Tenants did not move out of the rental unit by the termination date set out in the notice.
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 are 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 17, 2023.
2. If the unit is not vacated on or before February 17, 2023, then starting February 18, 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 18, 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 17, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 18, 2023 at 5.00% annually on the balance outstanding.

**February 6, 2023**  
**Date Issued**

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**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 16, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the Tenants files the motion by February 16, 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 18, 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.