



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** Val Brothers Estate Solutions v O'Callaghan, 2023 ONLTB 18363

**Date:** 2023-02-03

**File Number:** LTB-L-076438-22

**In the matter of:** 4, 90-92 Kent Street South  
Simcoe ON N3Y2Y1

**Between:** Val Brothers Estate Solutions Managed by Landlord  
Howatt Homes PM

**And**

Nikolas Mikaric Tenants  
Sarah O'Callaghan

Val Brothers Estate Solutions Managed by Howatt Homes PM (the 'Landlord') applied for an order to terminate the tenancy and evict Nikolas Mikaric and Sarah O'Callaghan (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 16, 2022.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenants to pay the application filing fee as costs.

**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 14, 2023.
2. If the unit is not vacated on or before February 14, 2023, then starting February 15, 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 15, 2023.



**February 3, 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 13, 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 13, 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 15, 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.