



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** Hussain v McGillivray, 2023 ONLTB 18170

**Date:** 2023-02-03

**File Number:** LTB-L-007005-23

**In the matter of:** 33 GERTRUDE ST  
HAMILTON ON L8L4B7

**Between:** Ayub Hussain Landlord

**And**

Robert Rumley Tenants  
Sarah McGillivray

Ayub Hussain (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Rumley and Sarah McGillivray (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 February 15, 2023.
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 15, 2023.
2. If the unit is not vacated on or before February 15, 2023, then starting February 16, 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 16, 2023.



**February 3, 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 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 16, 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.