



Order under Section 77 Residential Tenancies Act, 2006

Citation: MEHBOOB v RICHIE, 2023 ONLTB 16431

Date: 2023-01-24

File Number: LTB-L-075184-22

In the matter of: 1, 201 GRAND AVENUE WEST
CHATHAM ONTARIO N7L1C1

Between: QAISER MEHBOOB Landlord

And

GARRY RICHIE Tenant

QAISER MEHBOOB (the 'Landlord') applied for an order to terminate the tenancy and evict GARRY RICHIE (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was heard by videoconference on January 18, 2023.

Only the Landlord's agent, Umar Mot, attended the hearing.

As of 9:20 AM, 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 Landlords' evidence.

Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of November 30, 2022 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. Since the Tenant 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 Tenant is responsible for paying the Landlord for the \$201.00 application filing fee incurred.
3. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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 February 4, 2023.



2. If the unit is not vacated on or before February 4, 2023, then starting February 5, 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 5, 2023.
4. The Tenant shall pay to the Landlord \$201.00, for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before February 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 5, 2023 at 5.00% annually on the balance outstanding.

January 24, 2023

Date Issued

Richard Ferriss
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 5, 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.