



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

**Citation:** DiDonato v Wade, 2023 ONLTB 15844

**Date:** 2023-01-20

**File Number:** LTB-L-004930-23

**In the matter of:** 9 Westbourne Road  
Hamilton Ontario L8S3M1

**Between:** Joseph DiDonato Landlords  
Sven Oppermann

**And**

Stephen Wade Tenant

Joseph DiDonato and Sven Oppermann (the 'Landlords') applied for an order to terminate the tenancy and evict Stephen Wade (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

**Determinations:**

1. The Landlords and Tenant entered into an agreement to terminate the tenancy as of March 31, 2023.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenant to pay the application filing fee as costs.

**It is ordered that:**

1. The tenancy between the Landlords and Tenant is terminated. The Tenant must move out of the rental unit on or before March 31, 2023.
2. If the unit is not vacated on or before March 31, 2023, then starting April 1, 2023, the Landlords 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 Landlords on or after April 1, 2023.

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**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

**January 20, 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 tenant has until January 30, 2023 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenant files the motion by January 30, 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 October 1, 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.

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