



Order under Section 77 Residential Tenancies Act, 2006

Citation: Carr v Nash, 2023 ONLTB 15757

Date: 2023-01-19

File Number: LTB-L-082413-22

In the matter of: 19 Dykstra Drive
Barrie Ontario L4N0E2

Between: Rob Carr Landlord

And

Debra Marchand Tenants
Jacqueline Wilson
Michelle Nash

Rob Carr (the 'Landlord') applied for an order to terminate the tenancy and evict Debra Marchand, Jacqueline Wilson and Michelle Nash (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 4, 2022 and the Tenants did not move out of the rental unit by the termination date set out in the agreement.
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 Tenant is responsible for paying the Landlord for the \$201.00 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 January 30, 2023.
2. If the unit is not vacated on or before January 30, 2023, then starting January 31, 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 January 31, 2023.



4. The Tenants shall pay to the Landlord \$201.00, for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before January 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 31, 2023 at 5.00% annually on the balance outstanding.

January 19, 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 29, 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 29, 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 July 31, 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.