



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** Felix v Reeves, 2023 ONLTB 15186

**Date:** 2023-01-17

**File Number:** LTB-L-077716-22

**In the matter of:** 665 Vaughan Rd.  
Toronto Ontario M6E2Y4

**Between:** Francess Felix Landlord

**And**

Joe Reeves Tenant

On December 8, 2022, Francess Felix (the 'Landlord') applied for an order to terminate the tenancy and evict Joe Reeves (the 'Tenant') because the Tenant gave notice to terminate the tenancy.

This application was considered without a hearing being held.

### Determinations:

1. The Tenant gave the Landlord notice to terminate the tenancy effective November 30, 2022, the said notice being given on November 19, 2022. While the notice may have been defective as it was given on less than 60 days notice, contrary to section 44 of the *Residential Tenancies Act, 2006*, the Landlord has by the contents of the declaration submitted with this application expressly affirmed that it has accepted the Tenant's notice as an offer to terminate the tenancy. The Landlord and the Tenant have therefore agreed to end the tenancy on November 30, 2022.
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.

### 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 January 28, 2023.
2. If the unit is not vacated on or before January 28, 2023, then starting January 29, 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 29, 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 January 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 29, 2023 at 5.00% annually on the balance outstanding.

**January 17, 2023**

**Date Issued**

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**Ian Speers**

Associate Chair, 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 27, 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 27, 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 29, 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.