



## Order under Section 77(8) Residential Tenancies Act, 2006

**Citation:** ROLLAND v PERIC, 2023 ONLTB 15269

**Date:** 2023-01-16

**File Number:** LTB-L-072192-22-SA

**In the matter of:** 505, 180 YORK STREET  
OTTAWA ONTARIO K1N1J6

**Between:** CLAUDE ROLLAND Landlord

**And**

MILE PERIC Tenant

CLAUDE ROLLAND (the 'Landlord') applied for an order to terminate the tenancy and evict MILE PERIC (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-072192-22, issued on December 6, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-072192-22.

The motion was heard on January 11, 2023. The Landlord and the Tenant attended the hearing.

### Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of October 31, 2022.
2. The Tenant agreed to terminate the tenancy. After signing the agreement, the Tenant wrote that he changed his mind and couldn't find a new place to live. At the hearing the Tenant testified that he was out of work but wants to pay the Landlord what he owes. The Tenant requested that the Landlord permit him to remain until the end of June. The Tenant has paid January rent.
3. The Landlord testified that the Tenant has paid only two and a half months rent in the past fifteen months and now owes \$14,400.00. The rent the Tenant has paid was through assistance from the City of Ottawa. The Landlord is retired and cannot afford to have this tenancy continue when he is losing so much money and wants the tenancy terminated immediately.
4. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-072192-22. The Tenant knowingly agreed to terminate this tenancy and voluntarily signed the agreement. The tenancy was to end on October 31, 2022 and the Tenant has paid just one-month rent since signing the agreement. Based on the Tenant's history of

non-payment of rent, it is likely that the Landlord will suffer further losses if the termination is delayed any further.

5. The stay of order LTB-L-072192-22 is lifted on January 31, 2023 to provide the Tenant time to vacate the rental unit.

**It is ordered that:**

1. The motion to set aside Order LTB-L-072192-22, issued on December 6, 2022, is denied.
2. The stay of Order LTB-L-072192-22, is lifted on January 31, 2023.
3. Order LTB-L-072192-22 is unchanged.

**January 16, 2023**

**Date Issued**

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Greg Joy  
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.