



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

**Citation:** Gibson-DeGroote v Santucci, 2023 ONLTB 14829

**Date:** 2023-01-13

**File Number:** LTB-L-077085-22

**In the matter of:** 16 Steven Street North  
Hamilton ON L8L1P9

**Between:** The Pearl (Not for Profit Housing Corp) Landlord

**And**

Gary Santucci Tenant

On December 6, 2022, The Pearl (Not for Profit Housing Corp) (the 'Landlord') applied for an order to terminate the tenancy and evict Gary Santucci (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 Landlord and Tenant entered into an agreement to terminate the tenancy as of December 6, 2022 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. Since the application was filed on a no-fault basis, on the actual 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 Landlord and Tenant is terminated. The Tenant must move out of the rental unit on or before January 24, 2023.
2. If the unit is not vacated on or before January 24, 2023, then starting January 25, 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 25, 2023.



**January 13, 2023**  
**Date Issued**

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**Kimberly Parish**  
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 23, 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 23, 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 25, 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.