



Order under Section 77 Residential Tenancies Act, 2006

Citation: Wu v Silversmith, 2023 ONLTB 14762

Date: 2023-01-11

File Number: LTB-L-074606-22

In the matter of: Side Door - Upper Room #5, 8 Elgin Street
Brantford ON N3S1E6

Between: Guo Wu Landlord

And

Graham Silversmith Tenant

Guo Wu (the 'Landlord') applied for an order to terminate the tenancy and evict Graham Silversmith (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was directed to hearing to clarify a potential discrepancy with the rental unit address. This application was held by videoconference on January 5, 2023.

Only the Landlord attended the hearing.

As of 9:31 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of November 14, 2022 and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. The Landlord testified that the Tenant is still in possession of the rental unit.
3. He Landlord also testified that the N11 had more room to put in details with respect to the rental unit address which is why the address differs from what is listed on the L3 application, but they are the same unit; upper room #5 side door is the rental unit, it is the upstairs back unit.
4. I accept the Landlord's uncontested testimony that the rental unit address is accurate as listed on this order.

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5. As the Tenant did not attend the hearing, I have no other considerations before me as reason(s) to delay the termination date.

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 22, 2023.
2. If the unit is not vacated on or before January 22, 2023, then starting January 23, 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 23, 2023.

January 11, 2023
Date Issued

Diane Wade
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on July 23, 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.

