



Order under Section 77 Residential Tenancies Act, 2006

Citation: LAUS v OBERMOK, 2023 ONLTB 13842

Date: 2023-01-10

File Number: LTB-L-071704-22

In the matter of: 710 LAKESHORE ROAD 113
SOUTH WOODSLEE ON N0R1A0

Between: Boris Laus Landlords
Amy Laus

And

Darrin Obermok Tenants
Kim Obermok

Boris Laus and Amy Laus (the 'Landlords') applied for an order to terminate the tenancy and evict Darrin Obermok and Kim Obermok (the 'Tenant') because the Tenants entered into an agreement to terminate the tenancy .

A hearing was held to consider the application.

Only the Landlords' Legal Representative, Vanessa Venneri Palumbo, attended the hearing.

As of 1:34 p.m., the Tenants were 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. This application was filed pursuant to section 77 of the *Residential Tenancies Act, 2006* (the 'Act'). Applications of this nature normally result in the Board issuing an eviction order without a hearing. However, this application was sent to a hearing as further clarification was required with respect to the agreement to terminate the tenancy.
2. The Landlords' L3 application was filed on November 11, 2022 and was based on an N11 agreement to terminate the tenancy, which was signed by the Landlord, Dr. Boris Laus, on November 10, 2022 and by the Tenant, Darrin Obermok, on November 7, 2022. This N11 included the names of both Tenants but only one Tenant had signed the N11.
3. The Landlord's Legal Representative submitted that a second N11 agreement to terminate the tenancy bearing the signature of the second named Tenant, Kim Obermok, and the second named Landlord, Amy Laus, had been filed with the Board with the application but after receiving the Member's direction on November 28, 2022, she submitted it again. This N11 was received by the Board on November 29, 2022.

4. Based on the evidence before me and on a balance of probabilities, I am satisfied that the Landlords and the Tenants have agreed to terminate the tenancy with a termination date of July 31, 2023.

It is ordered that:

1. The tenancy between the Landlords and Tenants is terminated. The Tenants must move out of the rental unit on or before July 31, 2023.
2. If the unit is not vacated on or before July 31, 2023, then starting August 1, 2023, the Landlords 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 Landlords on or after August 1, 2023.

January 10, 2023
Date Issued

Susan Priest
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 20, 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 20, 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 January 1, 2024 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.