



Order under Section 77 Residential Tenancies Act, 2006

Citation: LIU v EVELEIGH, 2023 ONLTB 13517

Date: 2023-01-05

File Number: LTB-L-052799-22

In the matter of: B2, 353 GOLDENWOOD
NORTH YORK ON M2M2Z4

Between: JUSTIN HAOMIAO LIU Landlord

And
ROBERT EVELEIGH Tenant

JUSTIN HAOMIAO LIU (the 'Landlord') applied for an order to terminate the tenancy and evict ROBERT EVELEIGH (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was heard by videoconference on November 21, 2022 at 1:48pm.

Only the Landlord attended the hearing. The Tenant did not attend.

Determinations:

1. The Tenant signed a Form N11 on August 2, 2022, containing a termination date of August 23, 2022.
2. The residential complex is a house, in which the Tenant occupies a room in the basement. The Landlord testified that the Tenant proposed signing the Form N11 in order to terminate the tenancy, and called the Landlord on August 2, 2022 stating he wanted to "make it official".
3. The Landlord filed an L3 application to end a tenancy and evict the Tenant within 30 days of the termination date. Based upon the Landlord's uncontested evidence, I find the Tenant entered into a valid agreement to end the tenancy and did not move out of the rental unit by the termination date set out in the Form N11.

Section 83

4. Section 83 of the *Residential Tenancies Act, 2006* (the 'Act') requires that I consider all the circumstances, including the Tenant's and the Landlord's situations to determine if it would be appropriate to grant section 83 relief from eviction.



5. This is a long-term tenancy and the Tenant lives alone. The Landlord indicated the Tenant is working full time and is actively looking for alternative accommodations. The Landlord also indicated that the Tenant has family nearby with whom he sometimes stays for long periods of time.
6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant did not attend the hearing, and thus did not provide any evidence that may be relevant to my determination under s. 83.

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 31, 2023.
2. If the unit is not vacated on or before January 31, 2023, then starting February 1, 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 February 1, 2023.

January 5, 2023
Date Issued

Peter Nicholson
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 August 1, 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.