



Order under Section 77 Residential Tenancies Act, 2006

Citation: WANG v KELLER, 2023 ONLTB 13507

Date: 2023-01-04

File Number: LTB-L-051655-22

In the matter of: BASEMENT, 5876 RIVER GROVE AVE
MISSISSAUGA ON L5M4W2

Between: YUCHUN WANG Landlord

And

JAMES KELLER Tenant

YUCHUN WANG (the 'Landlord') applied for an order to terminate the tenancy and evict JESSE-JAMES KELLER (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was heard by videoconference on November 21, 2022 at 9:30am.

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

Determinations:

1. The Tenant, also known as Jesse-James Edward Reid Keller, signed a Form N11 on August 21, 2022, containing a termination date of September 30, 2022. There is only one tenant residing in the rental unit.
2. 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.
3. 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. The Landlord seeks immediate eviction and advised there are no children in the rental unit and stated the rental unit is in disarray. The Landlord indicated he believes the Tenant is working and looking for other accommodations. 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 15, 2023.
2. If the unit is not vacated on or before January 15, 2023, then starting January 16, 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 16, 2023.

January 4, 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 July 16, 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.