



## Order under Section 77 Residential Tenancies Act, 2006

**Citation:** KOVIC v PETTIGREW, 2022 ONLTB 14585

**Date:** 2022-12-23

**File Number:** LTB-L-071302-22

**In the matter of:** BASEMENT UNIT, 933 GARTH STREET  
HAMILTON ON L9C4L3

**Between:** KRISTINA KOVIC Landlord

**And**

JESSICA PETTIGREW Tenants  
TYLER MONAHAN

KRISTINA KOVIC (the 'Landlord') applied for an order to terminate the tenancy and evict JESSICA PETTIGREW and TYLER MONAHAN (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

This application was heard via video conference on December 15, 2022.

Only the Landlord's agent, Henry Matthews, attended the hearing.

### Determinations:

1. This application was sent to a hearing because it was unclear precisely how many Tenants were named in the lease agreement and exactly how the Tenants' names were spelled.
2. At the hearing, the Landlord's agent confirmed that there are two named Tenants on the lease and he confirmed each of their first and last names. Even though the application names one additional Tenant and has an incorrect spelling for the second-named Tenant's last name, the agreement to terminate the tenancy names the two Tenants correctly and those two Tenants signed the agreement.
3. Based on the Landlord's submissions and the documentary evidence before me, I find that the L3 application must be amended to remove the third-named Tenant and to correct the spelling of the second-named Tenant's last name.
4. As the agreement to terminate accurately reflects the names of the parties and is signed by those same parties, I find that the agreement to terminate the tenancy is valid and enforceable. An order will issue terminating the tenancy and evicting the Tenants pursuant to their agreement.

2022 ONLTB 14585 (CanLII)



**It is ordered that:**

1. The tenancy between the Landlord and Tenants is terminated. The Tenants must move out of the rental unit on or before January 3, 2023.
2. If the unit is not vacated on or before January 3, 2023, then starting January 4, 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 4, 2023.

**December 23, 2022**  
**Date Issued**

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Laura Hartslief  
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 4, 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.

