



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: GRIMES v BRADT, 2022 ONLTB 14303

Date: 2022-13-12

File Number: LTB-L-065360-22-RV

In the matter of: 5, 1 RUSSELL STREET EAST
SMITHS FALLS ON K7A1E8

Between: Kevin Grimes Landlord

And

Andrew Bradt Tenant

Review Order

KEVIN GRIMES (the 'Landlord') applied for an order to terminate the tenancy and evict ANDREW BRADT (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-065360-22 issued on December 2, 2022.

On December 12, 2022, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

A preliminary review of the request was conducted without a hearing.

Determinations:

1. The request to review alleges the Tenant was not reasonably able to participate and that the order contains a serious error.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.
3. Order LTB-L-064360-22 is issued pursuant to section 77 of the RTA which allows the Landlord to apply for an order to terminate the tenancy without notice to the Tenant if the landlord and tenant have entered into an agreement to terminate the tenancy. Accordingly, the Tenant is not entitled to notice of the proceedings and therefore not entitled to participate.
4. Subsection 77(2) of the RTA requires the Landlord to file an affidavit verifying the agreement. The LTB's records indicate that the Landlord did file an affidavit pursuant to subsection 77(2) of the RTA. The order is based on the affidavit filed by the Landlord and a copy of the signed N11 agreement. Therefore, there is no serious error in the order.



5. The request appears to explain the circumstances surrounding the signing of the N11 agreement. This is not a relevant consideration for review. Section 77(6) of the RTA provides that the Tenant may make a motion to set aside the order within 10 days after the order is issued. The circumstances are relevant considerations on a motion to set aside. The Tenant is encouraged to seek legal advice in this regard.

It is ordered that:

1. The request to review order LTB-L-065360-22 issued on December 2, 2022 is denied.
2. The order is confirmed and remains unchanged.

December 13, 2022

Date Issued

Khalid Akram
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.